

STATE OF NEW YORK.

DEPARTMENT OF AGRICULTURE.

NINTH ANNUAL REPORT

OF THE

COMMISSIONER OF AGRICULTURE.

FOR THE YEAR 1901.

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TRANSMITTED TO THE LEGISLATURE JANUARY 13, 1902.

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STATE OF NEW YORK.

No. 59.

IN ASSEMBLY,

JANUARY 13, 1902.

NINTH ANNUAL REPORT

OF THE

Commissioner of Agriculture.

To the Honorable, the Legislature of the State of New York:

In accordance with the provisions of the statutes relating thereto, I have the honor to herewith submit the ninth annual report of the Department of Agriculture of the State of New York for the year ending September 30, 1901.

C. A. WIETING,

Commissioner of Agriculture.

DEPARTMENT OF AGRICULTURE.

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Commissioner.

CHARLES A. WIETING, Cobleskill, N. Y.

Assistant Commissioners.

First Division.....GEORGE L. FLANDERS,
Albany, N. Y.

Second Division.....FREDERICK J. H. KRACKE,
No. 23 Park Row, New York City.

Third Division.....EBENEZER J. PRESTON,
Amenia, N. Y.

Fourth Division.....T. JAMES OWENS,
Rensselaer, N. Y.

Fifth Division.....S. BROWN RICHARDSON,
Lowville, N. Y.

Sixth Division.....CHARLES T. RUSSELL,
Munnsville, N. Y.

Seventh Division.....VERLETT C. BEEBE,
Arcade, N. Y.

Eighth Division.....WILLIAM T. HUGHES,
Rochester, N. Y.

Ninth Division.....JOHN H. GRANT,
715 Mutual Life Building, Buffalo, N. Y.

Tenth Division.....JAMES P. CLARK,
Falconer, N. Y.

REPORT.

The working divisions of this Department have not been changed since my last annual report and are as follows:

First Division.—Comprising the following counties: Albany, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie and Washington.

Second Division.—Comprising the following counties: Kings, New York, Queens, Richmond and Suffolk.

Third Division.—Comprising the following counties: Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester.

Fourth Division.—Comprising the following counties: Essex, Fulton, Hamilton, Herkimer, Montgomery, Oswego, Oneida and Warren.

Fifth Division.—Comprising the following counties: Clinton, Franklin, Jefferson, Lewis and St. Lawrence.

Sixth Division.—Comprising the following counties: Broome, Chenango, Cortland, Madison, Onondaga, Tioga and Tompkins.

Seventh Division.—Comprising the following counties: Chemung, Genesee, Livingston, Schuyler, Steuben and Wyoming.

Eighth Division.—Comprising the following counties: Cayuga, Monroe, Ontario, Seneca, Wayne and Yates.

Ninth Division.—Comprising the following counties: Erie, Niagara and Orleans.

Tenth Division.—Comprising the following counties: Allegany, Cattaraugus and Chautauqua.

There have been but few changes in the personnel of the Department during the past year. The following persons have resigned, viz: Wm. E. Walker, Schenectady, N. Y.; R. H. Palmer, Deposit, N. Y.

The following person has been discharged, viz: J. Van Gelderen, New York city.

The following person deceased, viz: C. J. Morganstern, Attica, N. Y.

In the death of Mr. Morganstern the Department lost an efficient and able employee. He was in the employ of the Department when I became Commissioner and was retained up to the time of his death, although during the latter part of his service he labored under great difficulty in his endeavors to be efficient.

The following person has been appointed from the civil service eligible list with the consent of that body, viz: Wm. J. Hurd, Stony Point, N. Y.

The divisions in the State are ten, and they are each in charge of the Assistant Commissioner as set forth on the eighth page of this report.

The general work of this Department consists in enforcing the provisions of the law relating to:

(1) Providing butter and cheese experts to give instruction in the art of making uniform, first-class butter and cheese.

(2) Providing against the sale or delivery to factories or creameries of impure, unhealthy or unwholesome milk.

(3) Providing against keeping of cows for the production of milk for sale or exchange in a crowded or unhealthful condition, and against feeding such cows on distillery waste, or on any substance that will produce unwholesome or unhealthful milk.

(4) Regulating the sale of condensed milk.

(5) Providing against the manufacture and sale of imitation butter and its use in boarding-houses and places of public entertainment.

(6) Providing against the sale and manufacture of imitation cheese.

(7) Providing for branding full-cream cheese as "New York State full-cream cheese," and against falsely branding butter or cheese.

(8) Providing against the manufacture and sale of adulterated or imitation vinegar.

(9) Providing for the suppression of infectious and contagious diseases among domestic animals.

(10) Providing for the prevention of diseases among bees.

(11) Providing for the prevention and suppression of contagious and infectious diseases in fruit trees, plants, etc.

(12) Providing against the manufacture and sale of Paris green, except as provided in the statute.

(13) Providing for the encouragement of the sugar-beet culture and the manufacture of beet sugar in the State.

(14) Providing against the manufacture and sale of adulterated linseed or flaxseed oil.

(15) Providing against the selling of "bob veal," i. e. meat from calves that were diseased at the time of killing.

(16) Providing for the distribution of moneys to the agricultural societies of the State for the promotion of agriculture.

(17) Relative to Farmers' Institutes.

(18) Providing against selling adulterated or imitation maple syrup or maple sugar.

(19) To exercise such supervision as is provided relative to the New York State Agricultural Experiment Station and the Agricultural Experiment Station at Cornell University.

(20) Relating to process butter and the use of preservatives in dairy products.

(21) Relating to the use of coloring matter in food products.

(22) Relating to the use of the Babcock test.

OLEOMARGARINE.

The reports of the Assistant Commissioners in their respective divisions are that little or no oleomargarine has been sold within the State during the year, the most of it having been sold in the Second Division, which includes the city known as Greater New York.

The following cases, 159 in number, have been made during the year for violation of the law. These cases were mostly for clandestine sales, many of them being peddlers from the State of New Jersey:

October 5, 1900.

	CASE NO.
People v. Roll.....	4489, 4480
People v. McGowan.....	4490
People v. Dunker.....	4488
People v. Murphy.....	4493
People v. Seifert.....	4492
People v. Sellers.....	4544

November 8, 1900.

People v. Muller	4624
People v. Cunneen	4609
People v. Holsten	4621
People v. Schwanemann	4483
People v. McGarity	4607
People v. Rogers	4613
People v. Kivlon	4455
People v. Slyan	4620
People v. Van Nostrand	4610
People v. Cafirro	4605
People v. Courtney	4529
People v. Seegar	4603
People v. Fickens	2872
People v. Hutcheon	4612

November 30, 1900.

People v. Beyer	4562
People v. Koch	4475
People v. Ottens	4559
People v. Caffeiro	4604
People v. Lohrsen	4495
People v. Behn	4554
People v. Seefert	4497
People v. Luhrs	4606
People v. Behn Bros.	4541
People v. Wetters	4552
People v. Knoll	4494

December 10, 1900.

People v. Strunck	4622
People v. Bremmer	4538
People v. Costello	4500
People v. Farrell	2829
People v. Rowan	4600
People v. Chadwick	4617
People v. Snyder	4551

December 22, 1900.

People v. Fraser & Dean Co.....	2942
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January 7, 1901.

People v. Columbia Tea Company....	4469
People v. Snyder	4563
People v. Johnson	4571
People v. Ludeman	4477
People v. Fecke	4526
People v. Mayer	4573
People v. Weiner	4578
People v. Powell	4570
People v. Wagner	4566, 2815
People v. Gaynor	4576
People v. Ross	2838
People v. Youngs	4577
People v. Daffett	3326

CASE NO.

People v. Bochow	4596
People v. Marlowe	4557
People v. Eller	4568
People v. Tobias	4592
People v. Ryan	4584
People v. Moriety	3269
People v. Hayes	2927
People v. Strunck	4615
People v. Holzer	4594
People v. Serenger	4569

January 16, 1901.

People v. Doe	4470
People v. Kiernan	4558
People v. Risch	4599
People v. Boscher	4628
People v. Heilshorn	4476
People v. Tompkins	4595
People v. Bischoff	4585
People v. Blumberg	4597
People v. Schroeder	4629
People v. Gooss	4638
People v. Kuhlman	4630
People v. Krinsky	4640
People v. Allen	2811
People v. Reffert	4631

February 11, 1901.

People v. Moyerhan Bros.....	3106, 3107
People v. Collins	3124, 3126
People v. McDonald & Sons	3128
People v. Bellman	4582
People v. Taylor	4625
People v. Murphy	4647
People v. Buglosky	4637
People v. Willner	4614
People v. Mehrtens	2725
People v. Dunker	4619
People v. Lynch	4616
People v. Dunphy	4648

February 21, 1901.

People v. Doe	4305
People v. Doe	2310
People v. White	4596
People v. Wellbrock	4632
People v. Banker	4642
People v. Gordon	4303
People v. MacMahon	4460
People v. Rowan	4634

March 12, 1901.

People v. Levy	4313
People v. Doe	4311
People v. Hecker	4308
People v. Doe	4491
People v. Doe	2882

April 3, 1901.

People v. Bockman	4639
People v. McGloin	4540
People v. Schult	4565
People v. Morlarly	4307

CASE NO.		<i>May 24, 1901.</i>		CASE NO.	
People v. Courtney	4635	People v. Brock	4351		
People v. Davis Bros.	2727	People v. Keeler & Hogan.....	4336, 4317		
People v. Derenthal	4310	People v. Bradley & Warren.....	4341		
People v. Berwind	4320	People v. Smith	4331		
People v. Brasch	4618				
People v. Meyer	2466				
People v. Cooper & Cooper.....	4329				
People v. Doe & Roe.....	4314				
People v. Doe	4318				
<i>May 17, 1901.</i>		<i>May 25, 1901.</i>			
People v. Willis	4337	People v. Bisell	4033, 818, 819, 4032		
People v. Forepaugh & Sells' Circus.	4342	People v. Anselem	4003, 4004		
People v. Frankel	4342	People v. Block...4050, 4049, 4048, 4047, 4046	4045, 4009, 4008		
People v. Strunck	4321	People v. Douglass.....	3111, 3112, 3113, 3114		
People v. Van Zandt	4340	People v. Ward.....	4023, 4027, 4026, 4025		
People v. Davis	4302				
People v. Zeisenitz	2734				
People v. Hughes	2738				
People v. Hayes	2733				
		<i>September 10, 1901.</i>			
		People v. LaVoe	4608		
		People v. Van Arsdale	8780		
		<i>September 13, 1901.</i>			
		People v. Lentz	4365		
		People v. Ling	4364		

As an illustration of some of these clandestine methods permit me to state they operate somewhat as follows: An agent comes into the State from New Jersey on a ferryboat, quietly canvasses boarding-houses and restaurants, selling his goods as and for butter, claiming to represent some large dairy or creamery in a neighboring State. The orders are taken, goods to be delivered at a given time. At the time the goods are to be delivered a covered wagon appears, with some mark on the wagon to indicate that it represents an entirely different kind of business. For instance, in one of the cases we know of the wagon bore the words, "The Eureka Wringer Company." In delivering the goods there are usually two men. One drives the horse, staying in the wagon all the time, the other watching his opportunity to deliver the goods when nobody, concerning whom he has the least suspicion, is looking. It is with much difficulty we manage to detect these men, as after a time they learn to know our agents by sight. Several of the persons who have been caught violating the law of the State in this way have, as I am informed by the Attorney-General, been sentenced to a term of imprisonment by the court as a penalty. From the information we have been able to ascertain relative to these vendors, we are strongly of the opinion that they never give their correct names, and the same agent does not cover the

same territory in selling goods a second time. Thus it becomes a game of hide-and-seek as it were, between this class of perpetrators and our agents, but they have been unable to dispose of any quantity of goods within the State during this year, our vigilance having been such as to prevent them. I am of the opinion that if the profit was not so large upon the commodity as to be a great temptation it would cease altogether. If the bill now pending in Congress, known as the Grout bill—that proposes to tax colored oleomargarine 10 cents per pound—becomes a law and is enforced, I am of the opinion that a great deal of this temptation will be removed.

While there is very little oleomargarine sold in this State, there is a great deal sold in other States. The report of the Internal Revenue Commissioner of the United States shows that oleomargarine manufactured and sold in the United States annually during the last fifteen years was as follows:

	Pounds.
1887.....	21,513,537
1888.....	34,325,527
1889.....	35,664,026
1890.....	32,324,032
1891.....	44,392,409
1892.....	48,364,155
1893.....	67,224,298
1894.....	69,622,246
1895.....	56,958,105
1896.....	50,853,234
1897.....	45,531,207
1898.....	57,516,136
1899.....	83,130,474
1900.....	107,045,028
1901.....	104,943,856

The above figures show that in the aggregate during the years 1888 to 1901, inclusive, the whole amount manufactured

in the United States was 859,408,270 pounds. When it is considered that practically all of these goods have gone to the consumer in such a way as to lead him to believe he was consuming butter, the immensity of the fraud speaks for itself, and the argument in favor of any scheme, whether by taxation or otherwise, that will take the fraud out of the product need not be made. The intent of the Grout bill, so called, that will tax colored oleomargarine 10 cents per pound, is to tax the fraud out of oleomargarine, but not to tax oleomargarine out of existence. The people of this State are greatly interested in having this done, for the reason that it will help us, so far as the consuming public is concerned, to put matters on a basis so that they cannot be deceived by these people who are attempting to sell the goods clandestinely. The report of the Internal Revenue Commissioner shows that all the money received from licenses for selling oleomargarine in the State of New York, during the year ending June 30, 1901, was \$622. It is, therefore, fair to conclude that what goods are sold here are practically sold without license in defiance of the National law and clandestinely, so that any measure which has a tendency to take the fraud out of the commodity would have a proportionate tendency to stop these clandestine sales.

These figures also show that the manufacture and sale is not increasing at an astonishingly rapid rate when the thrift and enterprise that is behind the business is known. The oleomargarine manufacturers are endeavoring to leave the impression that these goods are sought for by the people and that the increased manufacture was due to the demand for the goods. One of the strongest arguments of these people is to the effect that the manufacture of these goods is a good thing for the dairy interests, because statistics show that during those months of the year that most oleomargarine was made the price of butter was the highest, asking the public to reach the conclusion that the increase in the price of butter was due to the fact that more oleomargarine was made during that time of year, while the simple truth is that when butter is higher the profit on oleomar-

garine is larger and more of it is manufactured. Our friends have reversed the facts in their reasoning. Another argument made by these people to show that these goods are wanted by the consuming public may be illustrated by the argument made by their counsel before the Committee on Agriculture and Forestry of the United States Senate upon the Grout bill. The attorney stated that the people desired oleomargarine, and as a proof of it he would call the attention of the committee to the fact that in the State of Rhode Island, where no State law was enforced relative to oleomargarine, the people had consumed during the previous year eight pounds per capita, while in the State of New York, where the enforcement of the law was practically complete, seven and one-half million people had only consumed 222,228 pounds, or a little over four ounces per capita; that if they had been left free to have purchased it and consumed it as the people of Rhode Island had, it is fair to assume that they would have consumed per capita as much as the Rhode Island people or sixty million pounds during the year. As a matter of fact the 222,228 pounds of oleomargarine charged to this State during the year, to which he refers, was not all consumed by the people of this State. As to the argument of the people desiring the goods, any person, knowing the methods of the oleomargarine people, particularly as those methods get nearer to the consumer, knows that the goods are hardly, if ever at all, sold as and for oleomargarine, but they reach the consumer in a form or guise that makes him believe he is purchasing butter, and he is told, as a rule, that he is. The men disposing of the goods seem to be, in their methods, as ingenious as the most enterprising vendors, and I am compelled to say with candor that wherever this traffic is not properly regulated a proportion of the people are obliged to eat the goods whether they desire oleomargarine or not under representations that are made to them.

Our law relative to oleomargarine is, in my judgment, a good one. I have no suggestions to make as to amendments, but

believe that its continued enforcement is necessary to prevent our citizens from being imposed upon by the vendors above named.

RENOVATED BUTTER.

Your honorable body provided by chapter 149 of the Laws of 1899, as follows:

No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such intent; nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced be sold as and for butter or cheese, the product of the dairy. No person shall coat, powder or color with annatto or any coloring matter whatever butterine or oleomargarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream by means of which such product, manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with intent to sell the same, nor shall he sell or offer to sell the same. No person by himself, his agents or employees, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock or other butter or both and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream or other milk product and rechurning the said mixture, or that is produced by any similar process and is commonly known as boiled or process butter, unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a conspicuous place with the words "renovated butter." If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said prints or rolls shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "renovated butter." If the same is packed in tubs or boxes or pails or other kind of a case or package the words "renovated butter" shall be printed on the top and side of the same in letters, at least, one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale uncovered, not in a package or case, a placard containing the label so printed shall be attached

to the mass of butter in such manner as to easily be seen and read by the purchaser. No person shall sell, offer or expose for sale, any butter or other dairy product containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk.

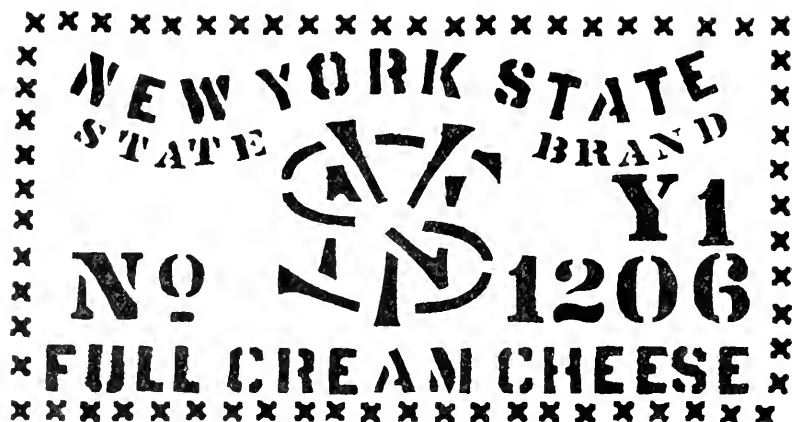
§ 2. This act shall take effect immediately.

The provisions of this law are generally disregarded by those dealing in this commodity within the State. I have brought no actions under this statute for the simple reason that I have been unable to procure the necessary evidence for conviction. I have been endeavoring during the time the law has been in existence to so fortify myself, from a chemical standpoint, as to be able to procure the necessary evidence, but at this date have not succeeded. The difficulty arises from the fact that the chemists of this State in the employ of the Department are unable to determine with sufficient accuracy to enable them to testify to the fact of the difference between butter of the first instance and renovated butter. By butter of the first instance I mean butter that has not been renovated or worked over. They are able to select samples of renovated butter from the other butter when submitted to them with a reasonable degree of accuracy, but not sufficiently sure so they would dare make affidavit to the difference. The chemists are willing to swear that in their judgment the goods are renovated butter, but not swear positively. It has not been deemed advisable to incur the risk of involving the State in bills of expense for costs by attempting to try cases in which our evidence was not complete. In order to remedy this difficulty we have had the chemists in the employ of this Department devote as much time as they could, in consideration of their other duties and with the means at my command with which to do it, experimenting to see if some method could not be discovered whereby this difficulty could be remedied. I have also communicated with the National authorities at Washington, asking them to give me any information they might possess that would help the Department out of this difficulty. I find that the National authorities, who are in corre-

spondence with the different States in the Union, cannot themselves determine the difference between these two butters, meeting the same trouble that we meet. I am of the opinion that special experimental work should be performed during the coming year by the chemists with the end in view of trying to find a process by which we can determine with accuracy the difference between renovated butter and butter of the first instance, as the selling of these goods upon the market as pure butter or butter of the first instance is a fraud upon the consuming public, not that the goods are necessarily unhealthful, unless something has been introduced in the process of renovation of which we do not know that may render them unhealthful, but the goods while they are so acted upon as to have the appearance, smell and taste of butter of the first quality during a short time, are nevertheless of an inferior grade, and such sale as and for butter of the first instance is a deceit and fraud upon the purchaser or consumer.

CHEESE.

During the year there have been four cheese instructors and one butter instructor giving instruction to those needing the same under the provisions of the Agricultural Law for the purpose of procuring an extension, if possible, of the uniformity of our first grade butter and cheese within the State. The work that has been done by them has been well received by those interested and has produced marked results along the right lines. We have, however, been confronted with a very serious problem, viz.: the counterfeiting of our New York State full-cream cheese brand. As your honorable body is aware, this Department issues under the provisions of the Agricultural Law a uniform stencil brand to each cheese factory in the State of New York upon application therefor under such regulations as the Commissioner prescribes as to the use and custody thereof, each brand to bear a separate and distinct number to be used only upon full-cream cheese, of which the following is a copy:



STATE OF NEW YORK,
DEPARTMENT OF AGRICULTURE.

CAPITOL, ALBANY,, 190..

Dear Sir.—This brand is to be used under the following regulations prescribed by the Commissioner of Agriculture of the State of New York, pursuant to section 33 of chapter 33 of the General Laws.

REGULATIONS.

1. This brand is to be in the custody of and used by Mr. who was named for that purpose in your application dated 190..

2. This brand, when not in use, shall be carefully kept in some secure place, separate and apart from all other stencils or brands, and to which no person has access except the person in charge of the brand.

3. In case of an intention to transfer the custody and use of the brand from the person named in the application to some other person, this Department must be notified immediately of such fact, and the name of the person to whom the transfer is to be made, in order that the proper record of the same may be kept, and thereafter the brand shall continue in the care and custody of such person as required by Regulations 1 and 2.

4. This brand is the property of the State of New York, and must be returned to this Department at the close of the present manufacturing season, not later than the 31st day of December.

5. Not more than one brand shall be furnished in any season to a manufactory, except in cases where sufficient reason therefor is stated in writing by the applicant, then a duplicate may be

issued to said applicant; all extra brands so issued shall be and remain the property of the State of New York, subject in all respects to regulations prescribed by the Commissioner of Agriculture.

6. No brand shall be used upon cheese made at any other manufactory than the one for which the brand was issued, nor shall the brand be used to mark or brand any box or package.

7. Any and all brands becoming injured, worn or otherwise unfit for use, must be promptly returned to this Department; in case of destruction or loss by fire or otherwise, a written statement of the facts and circumstances connected therewith must be forwarded to this Department by the person having charge of the same.

8. The attention of the Department has been called to the fact that some of the above regulations have been wholly ignored. It is therefore advised that these rules and regulations must be strictly observed. An agent of the Department will call at different factories from time to time, and if brands are found not properly cared for as required by the regulations, such action will be taken as the statute warrants.

CHARLES A. WIETING,
Commissioner of Agriculture.

Section 33 of chapter 33 of the General Laws, under which these brands are issued, provides as follows:

Section 33. Every manufacturer of full milk cheese may put a brand upon each cheese indicating "full milk cheese," and the date of the month and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The Commissioner of Agriculture shall procure and issue to the cheese manufacturers of the State, on proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto, and the words "New York State full cream cheese." Every such brand shall be used upon the outside of the cheese, and shall bear a different number for each separate factory. The commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of the persons at each manufactory authorized to use the same. No such brand shall be used upon any other than full cream cheese or packages containing the same.

During the year full-cream cheese brands have been issued to the following factories:

LIST OF STATE CHEESE BRANDS ISSUED DURING THE YEAR ENDING DECEMBER 31, 1901, BY COUNTIES.

ALLEGANY.

NAME OF FACTORY.	Applicant.	Post-office.
Allen Creamery & Cheese Co.	Jas. A. Hogue.	Belfast.
Allentown	Riley Allen.	Allentown.
Almond	H. D. Palmer.	Almond.
Andover	W. F. Snyder.	Andover.
Angelica	Jas. A. Hogue.	Angelica.
Angelica Union	C. F. Potter.	Angelica.
Babbitt	F. W. Hogg.	New Hudson.
Baker, Abel	Elmer E. Watson.	Phillips Creek.
Beach Hill	R. C. Alsworth.	Shongo.
Belfast	A. E. Perry.	Belfast.
Birdsall	Young & Young.	Fillmore.
Bishopville	Geo. McCarthy.	Bishopville.
Black Creek	M. J. Dunn.	Black Creek.
Brookside	M. E. Gordon.	Rushford.
Brown	F. G. Brown.	Andover.
Brown	Brown Cheese Co.	Wellsville.
Cafferty	Fred Carpenter.	Cuba.
Canaseraga	Young & Young.	Fillmore.
Caneadea	Young & Young.	Fillmore.
Centreville	Young & Young.	Fillmore.
Clarksville Centre	M. M. Congdon.	W. Clarksville.
Cryder Creek	F. B. Boyce.	Wellsville.
Cuba Village	A. A. Arnold.	Cuba.
East Friendship	Frank Costello.	Friendship.
East Grove	Wm. Kudes.	Whitney Crossing.
East Hill	Hobart & Sizer.	Friendship.
East Koy	Young & Young.	Fillmore.
Elm Valley No. 2	Willard A. Dodge.	Elm Valley.
Elm Valley	U. W. Stratton.	Elm Valley.
Empire	H. E. Osgood.	Galen.
Fenner's Home	E. P. Fenner.	Alfred Station.
Fillmore	Young & Young.	Fillmore.
Five Corners	C. W. German.	Alfred.
Ford Brook	T. J. Carmody & Co.	Cuba.
Forest	M. M. Congdon.	W. Clarksville.
Friendship	M. W. Hobart.	Friendship.
Genesee Valley	J. Costello.	Friendship.
Gilt Edge	Hedden & Beach.	Belmont.
Griffith's	Young & Young.	Fillmore.
Hall's	A. E. Hall.	Ward.
Hall's	C. C. Hall.	Whitesville.
Hallport	T. J. Carmody & Co.	Cuba.
Hardy's	C. E. Pettit.	Rushford.
Hartrum	J. M. Hartrum.	Andover.
Houghton	P. B. Loftus.	Houghton.
Hume	Young & Young.	Fillmore.
Inavale	B. C. Pierce.	Inavale.
Independence	A. W. Stone.	Independence.
Karrdale	Walter McHenry.	Almond.
Keller Hill	M. J. Dunn.	Black Creek.
Kelloggsville	F. W. Hogg.	New Hudson.
Keystone	Jas. H. Arnold.	Aristotle.
Knight's Creek	J. L. Coyle.	Scio.
Knightsville	W. B. Child.	Knightsville.
Lewis	F. J. Lewis.	Fillmore.
Little Genesee	Raymond & Wirt.	Little Genesee.
Maple Grove	Mrs. J. A. Hogue.	Allen.
Marshall	A. E. Perry.	Belfast.
McGrawville	F. W. Hogg.	New Hudson.
McHenry Valley	H. E. Fenner.	Almond.
Mead	W. M. Hackett.	Wellsville.
Mills Mills	A. L. Boller.	Fillmore.
Mt. Monroe	C. E. Pettit.	Rushford.
New Hudson Centre	M. J. Dunn.	Black Creek.
North Branch	J. F. Hodges.	Friendship.
North Cuba Creamery	Homer J. Case.	North Cuba.
Nusbickel	Chas. Nusbickel.	Dalton.
Oramel	A. E. Perry.	Belfast.
Pan American	W. E. Child.	Bennett.
Petrolia	D. W. Witter.	Petrolia.
Phillips Creek	Ockerman & Co.	Phillips Creek.
Pleasant Valley	C. W. German.	Alfred.

ALLEGANY—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Podouque	M. E. Gordon.....	Rushford.
Rawson	Albert Fargo.....	Rawson.
Rice	John McCarthy.....	Friendship.
Richburg	F. J. Brown.....	Richburg.
Rockville	A. E. Perry.....	Belfast.
Rush Creek	Young & Young.....	Fillmore.
Scio No. 1.....	Mrs. H. A. Babcock.....	Scio.
Shongo	Young & Young.....	Fillmore.
Shongo	R. C. Alsworth.....	Shongo.
Short Tract	Young & Young.....	Fillmore.
Slater Creek	Chas. S. Swain.....	Canaseraga.
South Alma	Vossler Bros.....	Alma.
South Andover	A. M. Mingus.....	Andover.
South Bolivar	B. F. Hayward.....	Honeoye.
South Cuba	G. S. Marsh.....	Cuba.
Spring Brook	Geo. Sowersby.....	Black Creek.
Spring Brook	Hobart & Sizer.....	Friendship.
Spring Mills	C. L. Richardson.....	Spring Mills.
Star	F. W. Hogg.....	New Hudson.
Stone Spring	Young & Young.....	Fillmore.
Tip Top Summit.....	A. C. Baker.....	Alfred.
Transit Bridge	A. E. Perry.....	Belfast.
Tuscarora	Young & Young.....	Fillmore.
Union	Young & Young.....	Fillmore.
United States	R. C. Alsworth	Shongo.
Vandermark No. 1.....	G. E. Dodge.....	Scio.
Vandermark No. 2.....	G. E. Dodge.....	Scio.
Wellsville	Dennis McGurk.....	Wellsville.
West Almond	A. A. Raymond.....	West Almond.
West Branch	Fred W. James.....	Rushford.
West Hill	Jas. McMurtry.....	Fillmore.
West Nile	Henry Wyant.....	Nile.
White Creek	E. R. Abbott.....	Belfast.
Wildman	C. H. Austin.....	Whitesville.
Wirt Centre	Tom Doran.....	Wirt Centre.
Wiscony	Young & Young.....	Fillmore.
Withey	W. J. Guill.....	Withey.
Yorkshire Centre No. 15.....	E. L. Jones.....	Delevan.

BROOME.

Clough's Corners.....	A. W. Page.....	Whitney Point.
Echo Lake	S. A. Wilbur.....	Upper Lisle.
Hurd	Frank Delong.....	Harpersville
Jordan, I. C., & Co.....	Empire State Dairy Co.....	Brooklyn.
North Fenton	C. N. Paddleford.....	North Trenton.
Triangle	A. W. Page.....	Whitney Point.
West Windsor	Dewitt Hall.....	West Windsor.
Whitney Point	A. W. Page.....	Whitney Point.

CATTARAUGUS.

Abbott's Union	Thos. L. McVey.....	Abbotts.
Abbott No. 2.....	O. J. Polts.....	Ischua.
Ashford	J. R. Zetwick.....	Ashford.
Axville	O. S. Wright.....	Cattaraugus.
Beaver Meadows	J. W. Clair & Co.....	Springfield.
Bedford Corners	A. E. Perry.....	Belfast.
Bellows	A. B. Neff.....	Ashford.
Bigelow	J. W. Clair.....	Springville.
Block	J. W. Clair.....	Springville.
Bowen	McDonald & Babcock.....	Bowen.
Bullockville	Geo. E. Hogue.....	Arcade.
California Hill	G. C. Wulff.....	Orlando.
Canada Hill	Frank F. Hopkins.....	West Valley.
Carroll	Wm. H. Howden.....	Carroll.
Champlains	Wm. Champlains.....	Little Valley.
Cold Spring	Geo. McAdam.....	Randolph.
Denmon's	J. W. Clair.....	Springville.
Double Mill No. 7.....	J. W. Clair & Co.....	Little Valley.
Eagle	Ahrens & Zetwick.....	East Otto.
East Otto	Ahrens & Zetwick.....	East Otto.
East Valley	G. C. Wulff.....	Orlando.
Elgin	Alex. Dunn.....	Elgin.
Elkdale No. 6.....	J. W. Clair & Co.....	Little Valley.
Elko	D. E. Underwood.....	Tunesassa.

CATTARAUGUS—Continued.

NAME OF FACTORY.	Applicant.	Post-office.
Ellicottville	E. H. Farrington	Franklinville.
Ellington Combination No. 7	E. F. Rowley	Kennedy.
Elm Creek	D. A. Cowan	East Randolph.
Fairview	D. L. Hooper	Fairview.
Farmersville No. 1	C. E. Wright	Laidlaw.
Farmersville No. 2	C. E. Wright	Laidlaw.
Fay Hollow	W. L. Hogue	Hinsdale.
Five Mile Union	E. D. Bennett	Allegany.
Five Points No. 1	J. W. Clair & Co.	Little Valley.
Four Mile Union	H. C. Marting	Allegany.
Fox	J. W. Clair & Co.	Springville.
Franklinville No. 1	E. H. Farrington	Franklinville.
Franklinville No. 2	E. H. Farrington	Franklinville.
Franklinville No. 3	E. H. Farrington	Franklinville.
Franklinville No. 4	E. H. Farrington	Franklinville.
Franklinville No. 5	E. H. Farrington	Franklinville.
Franklinville No. 6	E. H. Farrington	Franklinville.
Franklinville No. 7	E. H. Farrington	Franklinville.
Franklinville No. 8	E. H. Farrington	Franklinville.
Franklinville No. 10	E. H. Farrington	Franklinville.
Franklinville No. 11	E. H. Farrington	Franklinville.
Franklinville No. 12	E. H. Farrington	Franklinville.
Franklinville No. 13	E. H. Farrington	Franklinville.
Franklinville No. 14	E. H. Farrington	Franklinville.
Franktown	Ahrens & Zetwick	East Otto.
Freedom	S. J. Owens	Freedom.
Glen Brook	John F. Jenkel	Ellicottville.
Glen Brook No. 2	John F. Jenkel	Ellicottville.
Grand Central	L. G. Jones	Delevan.
Hart	Herman Hart	Otto.
Haskell Flats	P. J. Pettit	Haskell Flats.
Highland	W. B. Hopkins	Conewango.
Hinman	Mrs. A. H. Jenkel	Maples.
Hinsdale	W. L. Hogue	Hinsdale.
Home	W. N. Pettit	Cuba.
Ischua	E. S. Moses	Ischua.
Jenkle	J. W. Clair & Co.	Springville.
Lebanon	H. C. Peaslee	East Randolph.
Leon Centre	John W. McAdam	Leon.
Leon Union	H. A. Damon	Leon.
Lime Brook No. 1	P. F. Jark	Otto.
Little Valley No. 2	J. W. Clair & Co.	Little Valley.
Lower Haskell	Jas. J. Kirby	Olean.
Lyndon	E. N. Case	Franklinville.
Maple Grove	Geo. E. Hogue	Arcade.
Maynard	Ahrens & Zetwick	East Otto.
Napier	H. P. Jewell	Franklinville.
Nine Mile Union	H. C. Altenburg	Allegany.
North Napoli No. 3	J. W. Clair & Co.	Little Valley.
North Valley	Anson Fuss	Little Valley.
No. 2	F. E. Willover	Haskell Flats.
Otto Crescent	Herman Hart	Otto.
Otto No. 1	W. H. Klens	Otto.
Otto No. 2	W. H. Klens	Otto.
Perrysburg	L. H. Wood	Perrysburg.
Plato	John H. Wulff	Plato.
Pleasant Valley	E. H. Scott	Hinsdale.
Pullman	E. H. Farrington	Franklinville.
Randall No. 24	J. W. Clair & Co.	Little Valley.
Randolph No. 1	Zenas Carpenter	East Randolph.
Randolph No. 2	Zenas Carpenter	East Randolph.
Randolph No. 3	Zenas Carpenter	East Randolph.
Randolph No. 4	Zenas Carpenter	East Randolph.
Red House	Mrs. H. J. Marsh	Red House.
Riceville	A. B. Neff	Ashford.
Rock Spring Union	Chas. Smith, Jr.	Springville.
Ross No. 1	E. P. Ross & Co.	Gowanda.
Sandusky No. 1	J. B. Lewis	Sandusky.
Sandusky No. 2	J. B. Lewis	Sandusky.
Sandusky No. 3	J. B. Lewis	Sandusky.
Sandusky No. 5	J. B. Lewis	Sandusky.
Sandusky No. 9	J. B. Lewis	Sandusky.
Sandusky No. 12	J. B. Lewis	Sandusky.
Schemtze	A. B. Neff	Ashford.
Scott	M. P. Campp	Otto.
Seneca	Frank Lawrence	West Salamanca.
South Dayton No. 2	J. Dorsey	South Dayton.
South Dayton No. 3	J. Dorsey	South Dayton.

CATTARAUGUS—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
South Napoli No. 4.....	J. W. Clair & Co.....	Little Valley.
Spring Brook No. 1.....	C. J. Buskist.....	New Albion.
Spring Brook No. 2.....	C. J. Buskist.....	New Albion.
Spring Brook No. 3.....	C. J. Buskist.....	New Albion.
Spring Brook No. 4.....	Henry J. Gould.....	Cattaraugus.
Spring Brook No. 6.....	C. J. Buskist.....	New Albion.
Spring Brook No. 7.....	Chas. Weishan.....	Maples.
Spring Brook No. 8.....	Chas. Weishan.....	Maples.
Spring Valley.....	W. T. Peaslee & Son.....	East Randolph.
Star.....	E. H. Farrington.....	Franklinville.
Stone.....	W. J. Bush.....	Franklinville.
Story.....	L. E. Story.....	Steamburg.
Tarbell's Farm.....	M. O. Tarbell.....	Farmersville.
Union.....	Ahrens & Zetwick.....	East Otto.
Vedder Corners.....	J. H. Wolff.....	Plato.
Vinton.....	E. H. Farrington.....	Franklinville.
Wesley.....	A. Howard.....	Wesley.
W. Farmersville.....	S. A. Peavy.....	Great Valley.
West Machias.....	J. W. Clair & Co.....	Springville.
West Valley.....	J. W. Clair & Co.....	Springville.
Wiber's Allegany.....	H. M. Wilber.....	Allegany.
Yorkshire Centre No. 1.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 2.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 3.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 4.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 7.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 8.....	E. L. Jones.....	Delevan.
Yorkshire No. 17.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 19.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 20.....	E. L. Jones.....	Delevan.

CAYUGA.

Cato Cheese Co.....	A. E. Fish.....	Jordan.
Como.....	Arthur Glover.....	Como.
Moravia.....	A. S. Kirkpatrick.....	Ormo.
Sterling Valley.....	R. H. Stevenson.....	Sterling Valley.

CHAUTAUQUA.

Abbey.....	E. L. Lewis.....	Hamlet.
Alden.....	A. D. Alden.....	Sinclairville.
Arkwright Centre.....	F. W. Horton.....	Fredonia.
Arkwright Union.....	C. G. Watters.....	Cassadaga.
Blockville.....	G. H. Burlage.....	Blockville.
Canadawa.....	A. Gampp.....	Fredonia.
Centralia.....	R. McCubbin.....	Centralia.
Charlotte Centre.....	M. R. Tarbox.....	Charlotte Center.
Charlotte Union.....	Edwin F. Lake.....	Charlotte Center.
Cold Spring.....	G. W. Russell.....	Hartfield.
Dean.....	Ingersol & Marsh.....	Dean.
Dennison.....	F. E. White.....	Sinclairville.
Ellington No. 1.....	E. F. Rowley.....	Kennedy.
Ellington No. 2.....	E. F. Rowley.....	Kennedy.
Ellington Comb. No. 3.....	J. L. Ellis.....	Thornton.
Ellington Comb. No. 4.....	E. F. Rowley.....	Kennedy.
Ellington Comb. No. 5.....	E. F. Rowley.....	Kennedy.
Ellington Comb. No. 6.....	E. F. Rowley.....	Kennedy.
Ellington Comb. No. 8.....	E. F. Rowley.....	Kennedy.
Forestville.....	L. Stanley.....	Forestville.
Goshen.....	J. J. Colwell.....	Bear Lake.
Hamlet.....	Delos Tanner.....	Hamlet.
Laona.....	W. C. Bartlett.....	Laona.
Lewis.....	S. W. Lewis.....	Stockton.
Linwood.....	Ernest Dye.....	Cherry Creek.
Lowville.....	M. H. Crofoot.....	Sinclairville.
Moons.....	I. N. Gampp.....	Moons.
Nashville.....	H. S. Sweetland.....	Hamlet.
Rood.....	Rood & Reed.....	Sinclairville.
Scotch.....	R. McCubbin.....	Stockton.
Sinclairville.....	R. McCubbin.....	Stockton.
Smith Mills No. 1.....	John Snell.....	Smith Mills.
South Dayton No. 1.....	J. Dorsey.....	South Dayton.
Villenova.....	H. S. Sweetland.....	Hamlet.
Watts Flats.....	F. Wesley Engle.....	Watts Flats.
West Ellery.....	F. W. Stowell.....	Bemus Point.

CHENANGO.

NAME OF FACTORY.	Applicant.	Post-office.
A. W. Page & Co.....	H. T. Ford.....	German.
Baldwin	Isaiah Baldwin.....	Lincklaen.
Billings	S. T. Billings.....	Earlville.
Bo Bell	Seymour Winchell, Jr.....	Greene.
Borden	Henry J. Borden.....	Plymouth.
Centre	A. S. Hay.....	Otselic Center.
Chenango Valley Dairy	Chenango Valley Dairy Co.....	Greene.
Church	Church Bros.....	Afton.
Cottage	Wm. Casey.....	Sherburne.
Deer Lake	E. F. Smith.....	Pharsalia.
Deer Spring	G. C. Stiles.....	Tyner.
Earlville Dairy Ass'n	Tupper Bros.....	Eaton.
Empire State Dairy Co.....	The Empire Dairy Co.....	Brooklyn.
Excelsior	C. H. Southard	Smithville Flats.
Harbor	H. C. Brockway	Richfield.
Hillside Creamery	Andrew Gahan.....	Sherburne.
Kirk	W. H. Stewart.....	Kirk.
Lincklaen Centre	Alex. Harris.....	Lincklaen.
Marcy	J. R. Davis.....	Greene.
Mariposa	Curtis Kenyon.....	South Otselic.
McDonough	C. H. Southard	Smithville Flats.
Millbrook	C. H. Southard	Smithville Flats.
North Pitcher	Ira D. Goodsell.....	North Pitcher.
Otselic	F. E. Brown.....	Otselic.
Padgett	R. J. Padgett.....	Pharsalia.
Page Brook	P. E. White.....	Greene.
Pleasant Brook	John Canerass.....	Smyrna.
Sherburne Four Corners	Edward O. Foote.....	Sherburne Four Cor.
Silver Spring	G. G. Robinson	Sherburne.
Smithville Centre	O. S. Spicer.....	Landers.
Todd	Silas W. Howard.....	Sherburne.
Trout Brook	Standard Dairy Co.....	New York City.

CLINTON.

Peru C. & B. Co.....	Peru C. & B. Co.....	Peru.
Salmon River	A. D. Boombhower.....	Plattsburgh.
Smithdale	A. D. Boombhower.....	Plattsburgh.

CORTLAND.

Belknap	Geo. Salisbury.....	Willett.
Curtis	Albert Curtis.....	Chenango.
Cuyler Hill	Ellis Johnson.....	Cuyler.
Dairymen's Union	Chas. W. Beattie.....	Truxton.
Hollenbeck	S. Hollenbeck.....	Texas Valley.
Kesler, C.....	C. Kesler.....	Marathon.
Maple Grove.....	Geo. E. Dodd.....	Truxton.
McGraw	Seiler Bros.....	Newark, N. J.
Meacham's	Cecil D. Meacham.....	Marathon.
Otselic Centre	H. D. Johnson.....	Upper Lisle.
Scott	H. E. J. Potter.....	Scott.
Sears	F. H. Sears.....	Cortland.
Tarbox	Adelbert Tarbox	Marathon.
Virgil Cold Spring.....	C. L. Spencer.....	Virgil.
Wightmans	Homer Wightmans	Marathon.

ERIE.

Clear Creek No. 1.....	I. C. Brigham.....	Collins Centre.
Clear Creek No. 2.....	F. A. Brigham.....	Boston.
Clear Creek No. 3.....	I. C. Brigham.....	Collins Centre.
Clear Creek No. 4.....	I. C. Brigham.....	Collins Centre.
Clear Creek No. 5.....	I. C. Brigham.....	Collins Centre.
Colden Centre	Richardson, Beebe & Co.....	East Aurora.
Collins Centre	S. D. Vance.....	East Concord.
Dye	J. W. Clair.....	Springville.
East Branch	S. D. Vance.....	East Concord.
Elmont	Richardson, Beebe & Co.....	East Aurora.
Erie No. 1.....	Geo. Carr.....	Collins.
Glenwood	S. D. Vance.....	East Concord.
Gowanda	S. D. Vance.....	East Concord.

ERIE—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Heushaw	J. W. Clair.....	Springville.
Java Centre	Richardson, Beebe & Co.....	East Aurora.
Lawton's	S. D. Vance.....	East Concord.
Longford	S. D. Vance.....	East Concord.
North Colden	Richardson, Beebe & Co.....	East Aurora.
Prairie Queen	Clark White.....	Collins Centre.
Protection	Richardson, Beebe & Co.....	East Aurora.
Queen of Valley	Richardson, Beebe & Co.....	East Aurora.
Richmond	J. W. Clair.....	Springville.
Rider	J. W. Clair.....	Springville.
South Colden	Richardson, Beebe & Co.....	East Aurora.
Springville	J. W. Clair.....	Springville.
Tabor	S. D. Vance.....	East Concord.
Teftt	J. W. Clair.....	Springville.
Townsend Hill	J. W. Clair.....	Springville.
West Concord	S. D. Vance.....	East Concord.
Woodside	Sisson & Carr.....	Collins.
Wyandale	S. D. Vance.....	East Concord.
Yorkshire Centre No. 14.....	E. L. Jones.....	Delevan.

FULTON.

Ephratah	Eli Smith.....	Ephratah.
Willow Creek	A. W. Getman.....	Ephratah.
Willow Spring	J. O. Bennett.....	Oppenheim.

GENESEE.

Alexander	W. E. Moulton & Co.....	Alexander.
Byron	H. C. Norton	Byron.

HERKIMER.

Bartlett, R.....	Rush Bartlett.....	Winfield.
Bartow Hill	J. W. Ford	Fairfield.
Benninger & Heath	Jas. A. Irwin.....	Edicks.
Burt Grove	Delos M. Burt.....	Little Falls.
Casler	Philo W. Casler.....	Little Falls.
Cedar Lake	J. L. Craver.....	Cedar Lake.
Cedarville	Grant Hollenbeck.....	Cedarville.
Cedarville Milk Station	H. D. Jones.....	Chepachet.
Clover Leaf	Fred Petterson.....	Herkimer.
Clover Valley	C. A. Ford.....	Little Falls.
Cold Brook	E. D. Connor.....	Cold Brook.
Cold Creek	Isaac Fox.....	Dolgeville.
Cold Spring	J. L. Craver.....	Cedar Lake.
Columbia Centre	N. J. Harter.....	Columbia.
Countryman	G. Veitch.....	Herkimer.
Craines Corners	T. C. Swift.....	Jordanville.
Cramer Dairy	Chas. E. Teall.....	Little Falls.
Dennisons Corners	N. J. Harter.....	Columbia.
Dividing Ridge	R. G. Starkweather.....	Jordanville.
Eatonville	Stephen Dapson.....	Little Falls.
Elizabethtown	A. E. DeGarmo.....	Ilion.
Fairfield Association	T. Atkins.....	Little Falls.
Fairfield Centennial	Alex. McKerrow.....	Middleville.
Fairfield Centennial	Alex. McKerrow.....	Middleville.
Finks Basin	D. H. Burrell & Co.....	Little Falls.
Getman, M.....	N. J. Harter.....	Columbia.
Gray	A. E. Snyder.....	Gray.
Gulph	Jas. Donahoe.....	Gulph.
Hassenclever	W. T. Fitzgerald.....	Newport.
Hendersou Association	Chas. W. Crim.....	Jordanville.
Herkimer	Wm. Kreuger	Herkimer.
Hill	L. G. Rankin	Little Falls.
Indian Castle	E. M. Card.....	Utica.
Jones, E. E.	E. E. Jones.....	Centre.
Jordanville	J. M. Hanner.....	Jordanville.
Kast Bridge	A. Countryman	Countryman.
King	Julia L. Ives.....	Little Falls.
Lanning	W. B. Lanning.....	Russia.
Lints, S. P., Jr.....	S. P. Lints, Jr.....	East Schuyler.

HERKIMER—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Little Falls	Edward Simmons.....	Little Falls.
Little Lakes	John McNamara.....	Richfield Springs.
Manheim Cold Spring	John C. Fox.....	Ingham Mills.
Maple Grove	J. W. Windecker.....	Little Falls.
Mather, A. B.	D. S. Willoughby.....	Norway.
McArthur, D.	Daniel McArthur.....	Grant.
McEvoy, R. S.	R. S. McEvoy.....	Cold Brook.
McNierney	Jos. McNierney.....	Newport.
Middleville	A. W. Ford	Middleville.
Millers Mills	L. J. Miller	Millers Mills.
Murphy, J. C.	John C. Murphy.....	Norway.
Mutual Milk & Cream Co.	John McKone.....	Gravesville.
New Manheim	John Garlock.....	Little Falls.
Newport Hill	W. A. Brayton.....	Poland.
Newville	Otis Cagwin	Newville.
999	Wm McKerrow.....	Middleville.
North Litchfield	H. H. Davis.....	North Litchfield.
North Winfield No. 1.....	C. T. Wheelock.....	North Winfield.
Norway	H. C. Nichols.....	Norway.
Norway Association	Frank Turck.....	Newport.
Ohio	Chris. Tarber.....	Gray.
Old Fairfield	W. E. Wartman.....	Fairfield.
Old Manheim	Jos. Rice.....	Manheim.
Old Salisbury	J. Hand.....	Salisbury.
Paines Hollow	Geo. Van Slyke.....	Edicks.
Platform	John Carney.....	Middleville.
Poland	J. B. Read.....	Poland.
Quinlavin	T. B. Quinlavin.....	Ilion.
Ransom, C. W.	Chas. W. Ransom.....	Dolgeville.
Rickard	John Rickard.....	Cullen.
Rising Star	N. H. Conrad.....	Paines Hollow.
Ruby	C. G. Babcock.....	Newport.
Sand Hill	Geo. L. Wood.....	Herkimer.
Schuyler Centennial	W. V. Minott.....	Minott.
Shed Brook	C. G. Babcock.....	Newport.
Shells Bush	Robert Wood	Herkimer.
Smalls Bush	Adam Casler	Little Falls.
Springer	Geo. Springer	Jordanville.
Star	David Gordon	Countryman.
Sterling Creek	C. G. Babcock.....	Newport.
W. Windfield Creamery.....	C. Vagts	West Winfield.
White Creek	John Baird	Newport.
Whipple, B. A.	B. A. Whipple.....	Van Hornesville.
Zoller No. 2.....	Jacob Zoller	Little Falls.
Zoller No. 3.....	Jacob Zoller	Little Falls.

JEFFERSON.

Ayers	I. H. Phillips.....	Rices.
Babcock	C. V. Cheney.....	Great Beud.
Barrott	H. H. Barrott.....	Mannsville.
Bay View	Jas. Reed	Limerick.
Bickelhaupt Comb. No. 12.....	A. Bickelhaupt	Redwood.
Brookside	J. Flanders	Rodman.
Central	Chas. C. Mearns.....	Limerick.
Centre	Daniel Rourke	Carthage.
Champion Valley	Peebles Bros.....	Champion.
Chaumont	Chaumont Cheese Co.....	Chaumont.
Cloverdale	A. E. Gove.....	Pamela Four Corners.
Cold Spring	C. A. Overacker.....	Redwood.
Devoirs Corners	Zuriel Sarvery	Carthage.
Diamond	Jas. H. Keller	Diamond.
Drill Well	C. W. Cheney.....	Sterlingville.
Eames	Henry O. Eames.....	Watertown.
East Rodman	F. P. Dunaway	East Rodman.
Ellisburg	C. F. Woods.....	Pulaski.
Eureka	C. B. Arnold.....	Watertown.
Evans Mills	D. Walrath	Evans Mills.
Excelsior	Geo. W. Northup.....	Perch River.
Fillmore Bros.....	H. H. & M. M. Fillmore.....	Woodville.
Flat Rock	G. W. Augsburg.....	Plessis.
Fox Creek	B. W. Hentze.....	Three Mile Bay.
Gould	S. N. Gould.....	Evans Mills.
Hadsell & Moore	G. E. Orvis.....	Felts Mills.
Hillside	C. O'Brien	Theresa.
Howard	D. H. Scull.....	Stone Mills.
Jefferson Valley	H. J. Walker.....	Theresa.

JEFFERSON—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Lafargeville	A. Knauer	New York City.
Lorraine Village	L. S. Pitkin	Lorraine.
Maple Grove	L. S. Pitkin	Lorraine.
Mather Bros.	S. Mather	Belleville.
Maxon, P. S.	P. S. Maxon	Adams Centre.
McNitt	F. H. McNitt	Copenhagen.
Milk Station	Andrew Krauner	Theresa.
Muzzy	F. M. & J. B. Muzzy	Smithville.
Natural Bridge	Emory Draper	Natural Bridge.
North Adams	E. D. Holloway	Adams Centre.
North Centre	John A. Shaver	Lorraine.
North Rodman	Jacob Davis	Dillin.
Northville	Wm. Denney	Klondyke.
O. K.	F. A. Knapp	Great Bend.
Ontario	J. A. McWayne	Sacketts Harbor.
Orleans Centre	H. F. Wetterhahn	Lafargeville.
Orleans Corners Station	Manhattan Dairy Co.	Orleans Four Corners.
Overton's	Harvey J. Allen	Henderson.
Pamelia Centre	S. H. Gillette	Watertown.
Parkinson, P. C.	P. C. Parkinson	Watertown.
Piller Point Union	M. W. Timmerman	Limerick.
Pitkin	L. S. Pitkin	Lorraine.
Philadelphia	Wm. Flath	Philadelphia.
Pleasant Valley	C. E. Wiggins	Cape Vincent.
Point Peninsular	J. Wells Taft	Three Mile Bay.
Rayhill	Frank Alverson	Henderson.
Riverside	J. P. Carpenter & Son	Ox Bow.
Rodman Village	M. G. Wilson	Rodman.
Salisbury No. 2	Brayton Salisbury	Pulaski.
Sandy Creek Valley	A. D. Boyd	Rodman.
Silver Creek	D. P. Phillips	Tremaines.
Smith, B. P.	E. L. Tooley	Black River.
South Champion	C. S. Shedd	South Rutland.
Spring	Geo. A. Fuller	Philadelphia.
Springer	R. R. Kirkland	Redwood.
Star	A. O. Pennington	Antwerp.
Star Brook	M. L. Thompson	Barnes Corners.
Sterlingville Milk Station	C. Vagts	Sterlingville.
Stone, No. 1, E. L.	E. L. Stone	Mannsville.
Stone, No. 3, E. L.	E. L. Stone	Mannsville.
Sunny Side	L. A. & A. E. Helmer	Evans Mills.
Thistle	Chas. Kirkland	Redwood.
Three Mile Bay	J. Wells Taft	Three Mile Bay.
Trout	J. A. Kittle	Adams Centre.
Tylerville	Frank L. Stockwell	South Rutland.
Waldo, J. W.	D. A. Goodrich	South Champion.
Watertown Valley	L. Polley	Burrs Mills.
West Carthage	Chas. E. Besha	Carthage.
Williams, No. 2, E. J.	M. A. Stackel	Rutland.
Wind Mill	Geo. B. McMullin	Watertown.
Winona	Wm. H. Anthony	Winona.
Woodville	N. Wood & Sons	Woodville.
Yost	H. F. Smith	Philadelphia.

LEWIS.

Alger	Geo. S. Alger	Martinsburgh.
Arctic Union	Fred Shaver	Indian River.
Barnes Corners	Loren D. Fox	Barnes Corners.
Beach Hill	Albert E. Merz	New Bremen.
Black River	W. E. Gaynor	East Martinsburgh.
Boston Brand	E. J. Schraup	Gardners Corners.
Carpenter	J. H. Carpenter	Houseville.
Castorland Company	S. L. Hirschey	Castorland.
Cedar Spring	John L. Bench	Watson.
Champion Spring	C. Hirschey	Beaver Falls.
Christien, F. N.	F. N. Christien	Camden.
Cloverdale	Alfred Blum	Constableville.
Clover Valley	W. S. Benton	New Bremen.
Cold Spring	C. E. Merz	Croghan.
Copenhagen	Cook & Otis	Denmark.
Croghan	Albert Henry	Croghan.
Crown Brand	A. & H. E. Cook	Denmark.
Dairy Hill	David Miller	Constableville.
Eagle	E. G. Graves	Lowville.
Erie	Emory Draper	Natural Bridge.
Excelsior	Eugene Alexander	Harrisburg.

LEWIS—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Fair View	W. H. Ingersoll.....	Port Leyden.
Farmers Choice	W. S. Benton.....	New Bremen.
Fish Creek	Frank Middlemiller	Constableville.
Forks	J. E. Murphy.....	Montague.
Gilt Edge	M. G. Fassett.....	West Martinsburgh.
Goudy	F. C. Goudy.....	West Martinsburgh.
Grass Valley	Jas. E. Allen.....	Constableville.
Haller	W. A. Haller.....	Beaver Falls.
Harter	P. A. Harter.....	Copenhagen.
High Mark	W. H. Fitch.....	Lowville.
High Market	Eugene Case.....	High Market.
Houseville	J. H. Smith.....	Houseville.
Imperial	W. W. Vooree.....	Copenhagen.
Katsmayer	Wm. W. Katsmayer.....	Mohawk Hill.
Kirschnerville	Nicholas Keifer	Kirschnerville.
Lake	E. P. Lake.....	Harrisville.
Legal Tender	Jas. E. McGrath.....	Constableville.
Leonard	Chas. P. Leonard.....	Lowville.
Lindsley	R. G. Jones.....	Glenmore.
Lowville	J. A. Merz.....	Lowville.
Meadow Brook	Uriah Fitch.....	Pasadena.
Miller	Michael Heiley	Constableville.
Mohawk Hill	Free Kraubuhl	Constableville.
Mud Lake	D. Karlen	Boonville.
New Boston	T. W. McGrath.....	New Boston.
New Columbia	C. M. Henry.....	Harrisburg.
New Model	Robert McCurn	Copenhagen.
Nohle	C. W. Nohle.....	West Martinsburgh.
No. 3	John K. Fuller.....	Copenhagen.
Pinckney Corners	E. A. Harding.....	Pinckney.
Pleasant View	F. E. Bechman.....	Naumburg.
Plummer	Geo. Plummer.....	Constableville.
Port Leyden M. & C. Co.....	D. C. Markham.....	Port Leyden.
Rector	J. W. Barnes.....	Rector.
Regetz	John Regetz	Constableville.
Renaux	A. N. Renaux.....	Croghan.
Rising Star	Cook & Otis.....	Denmark.
River St.....	G. H. Monroe.....	Copenhagen.
Searl No. 1.....	George Searl	Lowville.
Searls No. 2.....	M. E. Searl	Martinsburgh.
Silver Spring	D. Karlen	Boonville.
Sins & Bierlie	Jo. Sins	West Leyden.
Sharp	B. C. Graves.....	Lowville.
South Harrisburg	C. C. Day.....	Windecker.
Spring Brook	A. J. Hoffman.....	Lyons Falls.
Spring Hill	Mrs. F. E. Klossner.....	Port Leyden.
Standing	Austin & Strickland.....	Deer River.
Staring	W. H. Ingersoll.....	Port Leyden.
Sterling	Robert Whalen	Sterlingbush.
Stevens	Romaine Stevens	Harrisville.
Sulphur Spring	J. H. Searls.....	Lowville.
Swiss Creek	Hiram Gowdy	Lowville.
The Mayflower	Romaine Stevens	Jerden Falls.
Turin	Henry Petrie	Turin.
Union of Pinckney	R. B. Cramer.....	South Rutland.
Valley Dale	F. M. Burns.....	Bellwood.
Valley Spring	Fred Loucks	Lowville.
West Harrisburg	Mrs. W. A. Wheeler.....	Bellwood.
Welsh Hill	E. H. Evans.....	Turin.
West Leyden	M. J. McGrath.....	West Leyden.

LIVINGSTON.

Genee River	M. B. Marsh.....	Nunda.
Hunts	Young & Young.....	Fillmore.
Kebequa	C. S. Wheeler.....	Dalton.
Nunda	Young & Young.....	Fillmore.

MADISON.

Baldwin	G. F. Brown.....	Brookfield.
Beaver Creek	E. D. Lamb.....	Unadilla Forks.
Bender	Fred Haas	Canastota.
Bouckville Mutual Milk Pro- ducers' Association	M. D. Casler.....	Bouckville.
Bridgeport	John Durst	Bridgeport.

MADISON—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Brookfield	Edgar Harris	Brookfield.
Brown's Valley Creamery.....	H. J. Brown.....	Georgetown.
Crystal Spring	O. J. Tucker.....	Alene.
Erieville Creamery	C. E. Maynard.....	Erieville.
Excelsior	Geo. H. Dennis.....	Chittenango.
Excelsior	H. L. Holmes.....	Brookfield.
Georgetown Milk Station	H. Armstein	Georgetown.
Hamilton	John Harmon	Hamilton.
Hollenbeck	R. J. Hollenbeck.....	Peterboro.
Ladd, Dan	Dan. Ladd	Canastota.
Lakewood	L. W. Sayles.....	Bridgeport.
Lamb, E. D.....	E. D. Lamb.....	Unadilla Forks.
Lebanon	Manhattan Dairy Co.....	New York City.
Lebanon Milk Producers' Asso- ciation, Limited	O. M. Wilcox.....	Lebanon.
Lenox Mills	Buyea & Miller.....	Lenox.
Leonardsville Milk Station.....	G. M. Rainey.....	Leonardsville.
Madison Centre	John Wratten	Madison.
Maple Grove	Elmer Johnson	Lakeport.
Marsh	C. O. York.....	Brookfield.
Morrisville	Hopkins & Champlin.....	Morrisville.
Morrisville Station	C. S. Mowers.....	Morrisville.
Nelson	W. H. Histed.....	Nelson.
North Cazenovia	P. H. Wager.....	Chittenango.
Oneida Valley	Wm. McAdam	Oneida Valley.
Paramount	J. P. Davis.....	Nelson.
Perryville	C. A. Buckingham.....	New Woodstock.
Peterboro	Daniel Wolfe	Peterboro.
Pleasant Valley	Earl Haight	Peterboro.
Poolville Milk Producers Ass'n.	Chas. Dickhout	Poolville.
Quaker Basin	Quaker Basin B. & C. Co.....	De Ruyter.
Randallsville	John Harmon	Hamilton.
Reservoir	S. D. Burdick.....	De Ruyter.
River Forks	W. Hamlin	Unadilla Forks.
Sheds Corners	F. D. Gardner.....	Sheds.
Siloam	A. E. Miller.....	Siloam.
Solsville Milk Station	A. D. Eames.....	Solsville.
South Hamilton	Geo. W. Dickhaut.....	South Hamilton.
Strip	A. J. La Munion.....	Munnsville.
Temple	I. A. Wager	North Brookfield.
Union	M. H. Morgan.....	Brookfield.
West Hill	B. Stannard, Secretary.....	Chittenango.
Whitelaw	T. J. Virgan.....	Whitelaw.

MONTGOMERY.

Ames	A. B. Miller.....	Ames.
Bowmans Creek	Peter McEwan	Marshville.
Cayudatta	E. L. Miner.....	Fonda.
Dockstader, Wm.....	Wm. Dockstader	Palatine Bridge.
Flat Creek	J. J. Weaver.....	Flat Creek.
Getman	C. Getman	Stone Arabia.
Hallsville	Chas. Van Slyke.....	Hallsville.
Lykers	John V. Lyker.....	Lykers.
Maple Grove	Francis H. Pruyne.....	Glen.
Mohawk	Daniel Dockstader	Palatine Bridge.
Nellis, A.....	Jacob C. Nellis.....	Palatine Bridge.
Palatine Union	P. G. Yost.....	McKinley.
Root	John B. Gove.....	Rural Grove.
Smith Creek	C. D. Smith.....	Fort Plain.
Stone Arabia	Albert Kilts	Stone Arabia.
Tribes Hill	W. F. Getman.....	Tribes Hill.
Valley	Geo. Rogers	Salt Springville.
Van Deusen	Dewitt Van Deusen.....	Freys Bush.
Zoller	Jacob Zoller	Little Falls.

ONEIDA.

Alder Creek	A. H. Sonn.....	New York City.
Alexis	David E. Karlen.....	Boonville.
Augusta Valley	John W. Skerritt.....	Vernon Centre.
Baker	Fred P. Baker.....	Camden.
Bedell	Teuscher Bros.....	Rome.
Blanchard	H. E. Blanchard.....	Vernon.
Blue Brook	R. C. Coon.....	Ava.
Brodock	A. & A. Brodock.....	Blossvale.

ONEIDA—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Brown	Sam Kappler	Lee Centre.
Castle, G.	H. D. Morehouse	Ava.
Christien, F. N., No. 2	F. N. Christien	Camden.
Christian, A.	C. A. Bartell	Florence.
Clinton C. C. & S. Ass'n.	Geo. B. Havens, President	Clinton.
Cold Spring	B. L. Coon	Remsen.
Coon, E. O.	E. O. Coon	Lee.
Cornish	J. D. Morris	Camden.
Cornish	Sam Kappler	Lee Centre.
Deansville	Jas. D. Kelly	Deansboro.
Deerfield Centre	J. J. Donnafield	South Trenton.
Delta	C. N. Bathrick	Delta.
Doxstater	S. C. Roueston	Higginsville.
Farmers	E. D. Franklin	Western.
Fitch & Bacon	W. E. Golly	Verona.
Floyd Hill	J. J. Reed	East Floyd.
Francis, J. F.	J. Frank Francis	Remsen.
French Road	Thos. R. Jones	East Steuben.
F. T.	Fred Teuscher	North Western.
Greens Crossing	Standard Dairy Co.	Cassville.
Greggains, Wm.	Wm. Greggains	Glenmore.
Hayes	Wm. I. Hayes	Hawkinsville.
Hennessy, J. F.	J. F. Hennessy	East Florence.
Hillsboro	Merritt Houghton	Ford.
Jackson	J. Gantner	Boonville.
Kent, B. H.	P. O. Jones	East Steuben.
King, A. S.	A. S. King	Norwich Corners.
Lee Centre	Sam Kappler	Lee Centre.
Lowell	F. J. Brill	Lowell.
Marcy Centre	Manhattan Dairy Co.	New York City.
Merry, G.	G. Merry	Verona.
Miller Branch	John Miller	Camden.
New London	J. J. Senn	New London.
North Bay	N. Van Horne	North Bay.
No. Bridgewater Milk Station.	Geo. C. Kanauer	North Bridgewater.
North Steuben	N. H. Folts	North Steuben.
North Trenton	E. C. Judson	Remsen.
Oriskany Falls Dairy Co.	W. E. Hiker	Oriskany Falls.
Pecks Corners	J. A. Hodge	Waterville.
Peoples	John Finn	Point Rock.
Point Rock	S. Keppler	Lee Centre.
Quaker Hill	R. G. Jones	Glenmore.
Remsen	D. E. Fairchild	Remsen.
Ridge Mills	Robert McAdam	Ridge Mills.
Sanquoit Creamery Co.	A. W. Prescott	Sanquoit.
Sheehan	Lary Sheehan	Glenmore.
South Trenton	Geo. S. Williams	South Trenton.
South Western	C. D. Parsell	Big Brook.
Spring Brook	W. J. McComb	Boonville.
Star Hill	E. E. Jones	Remsen.
Steuben Association	Nelson N. Wood	Steuben.
Steuben Centre	P. C. Mills	Steuben.
Stone Road	J. J. Davis	Cassville.
Storey	Story Bros.	Rome.
Taberg	Geo. J. Haas	Taberg.
The Porter	C. W. Porter	North Western.
Thomas, G. D.	G. D. Thomas	Camroden.
Vernon Dairy Co.	E. J. Byrnes	Vernon.
Verona Landing Cheese Co.	Geo. Breckenridge	Higginsville.
Vienna	Albert Brown	Vienna.
Walsworth	David Blum	Ridge Mills.
Waterbury	Jas. Kirkland	Florence.
West Ava	P. E. Adams	Ava.
West Branch	David Karlen	West Branch.
West Camden	Mrs. L. D. Smith	Camden.
West Canada Creek	Ivie Baird	Poland.
Westerville	John McCurn	Westerville.
West Vienna	J. H. Meays	Vienna.
Witters, S.	S. Witters	Colemans.

ONONDAGA.

Brewerton	Wm. Moorehead	Brewerton.
Cicero	Dennis Smith	Cicero.
Cicero Centre	O. J. Daniels	Cicero Centre.
Clay Centre	F. M. Burlis	Euclid.
Dot's Home	F. E. Dawley	Fayetteville.

ONONDAGA—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Pompey Centre Creamery Co....	Robert Moore	Pompey Centre.
Riverside	C. J. Church.....	Belgium.
Staring	B. D. Staring.....	Kirkville.
Tully	C. J. Cummings.....	Tully.
Vesper Creamery Association..	G. H. Bishop.....	Vesper.

ONTARIO.

Honeoye Valley Cheese Co.....	S. S. Williams.....	Honeoye.
Naples	C. H. Garnsey.....	Naples.

ORLEANS.

Holley	F. W. Church.....	Holley.
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OSWEGO.

Albion	E. H. Burch.....	Salmon River.
Amboy Centre	Robert Foils	Amboy Centre.
Battle Island	C. L. Porter.....	Fulton.
Butterfly	G. B. Cusack.....	Clifford.
Castor No. 1.....	Geo. L. Castor.....	Pulaski.
Castor No. 2.....	J. S. Castor.....	Pulaski.
Castor No. 3.....	Geo. L. Castor.....	Pulaski.
Central Square.....	H. E. Beeby.....	Central Square.
Cold Brook.....	Fred Jamison	Amboy Centre.
Cold Spring	G. G. Simons.....	Redfield.
Colosse Union.....	Chas. H. Burliss.....	Colosse.
Dewey	G. D. Trimble.....	Palermo.
Donnelly	G. D. Trimble.....	Palermo.
Dugway	E. George	Dugway.
East Boylston	G. D. Eggleston.....	Lorraine.
East Scriba	J. W. Dexter	Scriba.
Empire	G. B. Cusack.....	Clifford.
Empire	H. D. Scoville.....	Constantia.
Finster	John J. Miller.....	Lacona.
Hannibal	E. B. Tucker & Son.....	Hannibal.
Hastings	N. W. Wright.....	Hastings.
Henderson	Chas. P. Burch.....	Altmar.
Hess	Homer Beaupre	West Amboy.
Hinmansville	E. J. Buckley.....	Hinmansville.
Howardville	F. W. Fenton.....	Howardville.
Ingersoll, E. M.....	E. M. Ingersoll.....	Lacona.
Johnson, G. T.....	Mrs. Alice Johnson.....	Williamstown.
Mallory	Jared Mallory	Mallory.
Mayflower	H. E. Potter	West Monroe.
Mayflower	Melvin Sergeant	Redfield.
McKinney, A. C.....	A. C. McKinney.....	Orwell.
Molino	J. C. Croniser.....	Orwell.
Nestle, Henri.....	Henri Nestle	Fulton.
New Haven	Geo. B. Porter.....	New Haven.
North Road	W. A. Clark.....	Scriba.
North Volney.....	G. S. Cole.....	North Volney.
North Williamstown.	E. S. Hutt.....	Ricard.
Olmstead, A. E.....	A. E. Olmstead.....	Orwell.
Oneida River.....	Fred Jarvis	Caughdenoy.
Palermo	D. H. Trimble.....	Palermo.
Parish Centre	Leroy Washburn	Parish.
Parish Cheese & Butter Co....	W. B. Harter.....	Parish.
Peets Corners.....	A. Sauter	East Palermo.
Pennellville	C. F. Barnaskey.....	Pennellville.
Peoples	Ralph A. Stevens.....	South Albion.
Phoenix	A. P. Merriam.....	Phoenix.
Pulaski	W. C. Holmes.....	Pulaski.
Salisbury No. 1.....	Brayton Salisbury	Pulaski.
Salmon River Valley.....	G. G. Simons.....	Redfield.
Sandy Creek.....	Sandy Creek B. & C. Co.....	Sandy Creek.
Shoecraft	Ada L. Shoecraft.....	Lacona.
South Hannibal.....	G. D. Trimble.....	Palermo.
South Richland No. 2.....	J. J. Miller.....	Lacona.
South West Oswego.....	C. W. Woodworth.....	S. W. Oswego.
Star	G. A. Fitzgerald.....	West Monroe.
Stevens, Allen M.....	A. M. Stevens.....	Orwell.
Stone Quarry.....	John Pifer	Arthur.
Union Square.....	G. B. Vanderwerker.....	Union Square.
Vant	G. D. Trimble.....	Palermo.

OTSEGO.

NAME OF FACTORY.	Applicant.	Post-office.
Allens Lake	John McNamara	Richfield Springs.
Bowe Hill	R. G. Peet	Mt. Vision.
Brainards Corners	H. C. Brockway	Richfield.
Burke, George F.	Geo. F. Burke	West Burlington.
Centre Valley	R. G. Peet	Mt. Vision.
Cherry Valley	J. Harrison	Cherry Valley.
Clarksville	R. G. McRorie	Middlefield.
East Springfield	Wilkinson, Gaddis & Co.	Newark, N. J.
East Worcester	Chas. Hanor	East Worcester.
Edmeston	H. C. Brockway	Richfield.
Eldred, E.	R. G. Peet	Mt. Vision.
Elk Creek	C. L. Murphy	Westford.
Emmons	R. G. Peet	Mt. Vision.
Empire Cheese Co.	E. A. Sage	Cooperstown.
Fall Brook	R. G. Peet	Mt. Vision.
German	August Aufmuth	Fly Creek.
Gilbertsville	J. H. Gilbert & Co.	Gilbertsville.
Gilmore	H. A. Gilmore	Exeter.
Gregory, S. C.	C. P. Root's Sons	Gilbertsville.
Hakes	R. G. Peet	Mt. Vision.
Hartwick	F. B. Rainey	Hartwick.
Hinman Hollow	R. G. Peet	Mt. Vision.
Hinneys, J. P.	Mrs. J. P. Kinney	Snowden.
Holdredge	R. G. Peet	Mt. Vision.
Hubbell Hollow	C. H. McRorie	Lentsville.
Huntley	H. C. Brockway	Richfield.
Hyder	H. C. Brockway	Richfield.
Johnson	D. C. Johnson	Burlington Flats.
Lena	R. G. Peet	Mt. Vision.
Lentsville	Edward Talbot	Lentsville.
Lloydsville	K. J. Wing	Unadilla Forks.
Maple Grove	J. H. Gilbert & Co.	Gilbertsville.
Middlefield	T. F. O'Connell	Middlefield.
Milford Centre	R. G. Peet	Mt. Vision.
Morris	E. R. Hunt	Morris.
New Lisbon	C. P. Root's Sons	Gilbertsville.
No. 1	H. C. Brockway	Richfield.
Oakville	John J. Rider	Schuyler Lake.
Pashley	G. C. Pashley	Burlington.
Patten	John D. Rainey	Hartwick.
Phoenix	L. E. Carpenter	South Edmeston.
Pierstown Valley	M. H. Wedderspoon	Cooperstown.
Pleasant Valley	H. C. Brockway	Richfield.
Rider, J. J.	John J. Rider	Schuyler Lake.
Rock Spring	C. J. Hinds	East Springfield.
Roots	C. P. Root's Sons	Gilbertsville.
Roseboom	J. H. Harrison	Cherry Valley.
Schuylers Lake	John J. Rider	Schuyler Lake.
Shamrock	C. F. Freer	Gilbertsville.
South Hartwick	C. P. Root's Sons	Gilbertsville.
South Valley	C. P. Root's Sons	Gilbertsville.
Sponable, G. A.	G. A. Sponable	Burlington Flats.
Sponenburgh, W. H.	W. H. Sponenburgh	Fly Creek.
Stanley	C. J. Hinds	East Springfield.
State Brand No. 1615 ..	E. W. Wright	Burlington Flats.
State Brand No. 1716 ..	E. W. Wright	Burlington Flats.
State Brand No. 1728 ..	E. W. Wright	Burlington Flats.
Stevens Corners	Theron Miller	Garrattsville.
Union	C. T. Wheelock	North Winfield.
Wilber Lake	Jas. W. Taylor	Oneonta.
West Exeter	H. C. Brockway	Richfield.
Westford	C. E. McRorie	Westford.
Westville	Wm. H. Burch	Westville.
Wilmarth	H. C. Brockway	Richfield.
Young, L. D.	Lyman D. Young	Warren.

RENSSELAER.

Spring Brook	W. H. Gage	Johnsonville.
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ST. LAWRENCE.

Belleville	E. A. Sheffner	Edwards.
Biche	Frank Biche	Bigelow.
Cream of the Valley ..	A. W. Overacker	Gouverneur.
Edwards	A. P. Brown	Edwards.

ST. LAWRENCE—*Concluded.*

NAME OF FACTORY.	Applicant.	Post-office.
Gouverneur Village.....	J. F. Hodgkin.....	Gouverneur.
Jenny Creek.....	P. G. Kinnie.....	Pitcairn.
Russell Village.....	C. A. Royce.....	Russell.
South Gouverneur.....	Renford Stevenson	Gouverneur.
West Fowler.....	C. W. Fenner.....	Spragueville.

SCHOHARIE.

Enterprise	Gray, Proper & Co.....	Proper.
Seward	R. G. Peet.....	Mt. Vision.

STEUBEN.

Bennetts Creek.....	W. C. Bassett.....	Bennetts Creek.
Big Creek.....	Chas. M. Burdette.....	Big Creek.
Borden	Chas. W. Carpenter.....	Borden.
Call Hill.....	D. A. Oakes.....	Purdy Creek.
Cold Spring.....	Geo. M. Grow.....	Alfred Station.
Dryden Ridge.....	A. Oakes.....	Andover.
E. Troupsburg.....	Jas. McKinley	Troupsburg.
Greenwood Creamery Co.....	M. Shaw	Greenwood.
Guinn	Lewis Killenberger	Andover.
Haskinville	Leslie Roberts	Haskinville.
Hedgeville	Searl & McStay.....	Woodhull.
Higbup	Searl & McStay.....	Woodhull.
Hopper	Searl & McStay.....	Woodhull.
Jasper	Searl & McStay.....	Woodhull.
Lindley	Chas. W. Carpenter.....	Borden.
Monarch	E. C. Henry.....	Purdy Creek.
Mud Creek.....	J. C. Switzer.....	Bradford.
Murray	Bernard Murray	Andover.
Neils Creek.....	E. P. Clymo.....	Avoca.
North Jasper.....	Searl & McStay.....	Woodhull.
Presho	Chas. W. Carpenter.....	Elkdale.
Rexville	F. A. Millett.....	Rexville.
Slater	Frank L. Jones.....	Saunders.
Spaulding, Hiram.....	Hiram Spaulding	Wallace.
Squab Hollow.....	W. H. Cooper.....	Lila.
The Howard.....	J. W. Bennett.....	Howard.
Troupsburg	Jas. McKinley	Troupsburg.
Wallace	I. F. Barnes.....	Wallace.
West Jasper.....	Searl & McStay.....	Woodhull.
West Union.....	C. H. Austin.....	Whitesville.
White Clover.....	Wm. Wildrick	Woodhull.
Woodhull	Searl & McStay.....	Woodhull.
Young Hickory.....	Jas. McKinley	Troupsburg.

SULLIVAN.

Cold Spring.....	O. C. Smith.....	Hurleyville.
J. P. Wierck & Co.....	The Empire State Dairy Co....	Brooklyn.

TIOGA.

Catatonk Dairy Co.....	L. C. Burt, Secretary.....	Catatonk.
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TOMPKINS.

Caroline	R. G. H. Speed.....	Ithaca.
Cornell University Dairy.....	H. H. Wing.....	Ithaca.
Newfield	W. S. Hammond.....	Newfield.

WASHINGTON.

South Easton	E. J. Skiff.....	South Easton.
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WAYNE.

Eureka	Willis F. Merrill.....	Wolcott
Huron Crystal Spring.....	Samuel Cosad	Wolcott
Red Creek Co.....	Geo. Robertson	Red Creek.

WYOMING.

NAME OF FACTORY.	Applicant.	Post-office.
Arcade	Geo. E. Hogue.....	Arcade.
Bennington Centre.....	Richardson, Beebe & Co.....	East Aurora.
Cluney	T. E. Cluney.....	Attica.
Gainesville	A. L. Tuller.....	Gainesville.
Greene, G. A.....	Geo. A. Greene.....	Dale.
Greene, C. A.....	Chas. A. Greene.....	Warsaw.
Hermitage	H. E. Dolph.....	Hermitage.
Johnsonburg No. 1.....	John L. Gibby.....	Johnsonburg.
Johnsonburg No. 2.....	John L. Gibby.....	Johnsonburg.
Johnsonburg No. 3.....	John L. Gibby.....	Johnsonburg.
Johnsonburg No. 4.....	John L. Gibby.....	Johnsonburg.
Johnsonburg No. 5.....	John L. Gibby.....	Johnsonburg.
Johnsonburg No. 6.....	John L. Gibby.....	Johnsonburg.
North Sheldon.....	Richardson, Beebe & Co.....	East Aurora.
Orangeville Valley.....	Norton & Ahl.....	Orangeville.
Park	Robert Norton & Co.....	Attica.
Pike Centennial.....	Mrs. E. B. Willard.....	Pike.
Sandusky No. 4.....	J. B. Lewis.....	Sandusky.
Sandusky No. 6.....	J. B. Lewis.....	Sandusky.
Sandusky No. 7.....	J. B. Lewis.....	Sandusky.
Sandusky No. 8.....	John L. Gibby.....	Johnsonburg.
Sandusky No. 11.....	J. B. Lewis.....	Sandusky.
South Sheldon.....	Richardson, Beebe & Co.....	East Aurora.
Star No. 1.....	T. J. Hubbard.....	Wethersfield.
Star No. 2.....	T. J. Hubbard.....	Wethersfield.
Star No. 4.....	T. J. Hubbard.....	Wethersfield.
Toziers	Richardson, Beebe & Co.....	East Aurora.
Wethersfield Springs.....	G. R. Safford.....	Wethersfield Springs.
Yorkshire Centre No. 5.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 8.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 9.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 11.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 12.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 13.....	E. L. Jones.....	Delevan.
Yorkshire Centre No. 16.....	E. L. Jones.....	Delevan.

The number of brands issued to factories during the different years since 1885 is as follows:

1885	452
1886	306
1887	367
1888	472
1889	495
1890	786
1891	834
1892	835
1893	824
1894	799
1895	885
1896	725
1897	877
1898	1,156
1899	1,065
1900	1,045
1901	998

A few years ago it was discovered by agents of this Department that cheeses were being sold upon the markets of other States bearing imitations of some of the New York State cheese brands, and that the cheeses were not full-cream and were made in other States. This has injured the reputation of New York State full-cream cheese to a great extent, so much so that the dealers in foreign countries are beginning to request that the placing of the brand upon the cheese be discontinued, as it is no longer a guarantee as to the quality. When it is considered that New York State is essentially a cheese State, we see a great damage that may result to this industry if this counterfeiting is allowed to continue. To show the extent of the cheese industry in this State, permit me to call your attention to the following facts relative to the manufacture of cheese and butter for the years 1892, 1894, 1896, 1898 and 1900, respectively:

RECAPITULATION OF BUTTER AND CHEESE PRODUCTS IN NEW YORK STATE BIENNIALLY FOR TEN YEARS, BEGINNING
WITH THE SEASON OF 1892.

YEAR.	Number of factories making butter only.	Number of factories making cheese only.	Number of factories making both but- ter and cheese.	Whole number of factories.	Number of pounds of butter made in butter factories.	Number of pounds of cheese made in cheese factories.	Number of pounds of butter made in factories making both butter and cheese.	Number of pounds of cheese made in factories making both butter and cheese.	Whole number of pounds of butter made.	Whole number of pounds of cheese made.
1892	255	1,155	213	1,623	14,024,019	110,448,691	5,473,338	20,542,619	19,497,357	130,991,310
1894	311	1,032	311	1,652	16,931,057	85,930,727	6,287,469	29,839,598	23,218,626	115,760,325
1896	289	1,005	341	1,635	18,505,094	74,556,150	2,923,790	13,178,993	21,429,694	87,785,143
1898	331	1,023	297	1,651	23,889,005	84,332,153	4,697,083	21,073,111	30,386,088	105,405,266
1900	398	1,081	194	1,673	30,444,300	97,292,618	8,739,011	29,456,064	39,183,311	126,638,672

It will be seen by the above figures that these compilations have been made biennially since 1892, and that for the five years above indicated the amount of cheese manufactured in the aggregate was 566,580,716 pounds; the amount of butter manufactured in the factories in the aggregate during the same period was 133,915,076 pounds, an average for each year in cheese of 113,316,143 pounds; an average of 26,783,015 pounds of butter. These figures would show that the cheese manufactured in this State is something over four times as much as the butter. The cheese of this State has enjoyed for several years a reputation on the markets of the world second to none. In other words, the New York cheese has been considered the best cheese manufactured in the United States. If this reputation, gained at much expense and great effort, is to be taken away by unscrupulous dealers in other States, then it is useless to continue to strive for purity of products, as the consumption of these goods will be discouraged by the sales of such inferior goods as and for the best. It is to be hoped that the condition will be remedied, and to that end the Hon. James S. Sherman, member of Congress from the Twenty-fifth District of this State, has introduced a bill in Congress known as "The Sherman Branding bill," which reads as follows:

A bill to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no person or persons in any State or Territory of the United States, or in the District of Columbia, shall falsely brand or label any dairy or food products which become articles of foreign or interstate commerce or commerce with Indian tribes as to the State or Territory in which they are made, produced or grown, or cause or procure the same to be done by another or others: *Provided*, That this act shall not apply to or include the branding of wines or liquors.

§ 2. That if any person or persons violate the provisions of this act, either in person or through another, he shall be guilty

of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

The power exercised by the above act is believed, I am informed by good constitutional lawyers, to be fairly within the power of Congress under that provision in the Constitution which provides that that body may regulate commerce between the States. It is therefore hoped that this measure will become a law, to the end that this State and others may exercise to the full the inherent right of protecting its reputation for integrity.

MILK.

During the year the milk has been inspected regularly in the several divisions of the State, under the supervision of the Assistant Commissioner in charge of each division, as it was being sold or delivered to the consumer. It has also from time to time, as often as conditions would permit, been examined or tested upon being received at the station or platform within the State for delivery to the wholesaler or retailer. As the net result of these many examinations at all the different points in the State, as reported to this office, I feel warranted in saying that the milk supply of the State of New York as a whole, when it reaches the consumer, is in a state of practical purity. We do, however, from time to time find some person handling or selling milk who, either through wilfulness or laches on his own part, is selling adulterated milk. The method of handling such cases is that the agents of this Department who make the examinations and find by the tests applied that the milk is suspicious, take samples in accordance with the provisions of the statute, viz.: Take duplicate samples in bottles especially provided for the purpose, seal them in the presence of a witness, delivering one to the defendant or person in charge of the milk and the other to our chemist. If upon analysis the milk proves to be adulterated, then the case is referred to the Attorney-

General for his action. Under the provisions of chapter 821, Laws of 1895, during the year we have in this particular branch of the work made and referred to the Attorney-General 416 cases for violation of the milk law, as follows:

<i>October 1, 1901.</i>		<i>October 30, 1900.</i>	
	CASE NO.		CASE NO.
People v. Wilkinson	10455, 10456, 10458	People v. Malchoff	9882
	10460, 10461, 10462	People v. La Rue	9889
People v. Jordan	10490	People v. Stone	9891
People v. Worthing	10451, 10453		
People v. Laesser	10478	<i>October 31, 1900.</i>	
People v. Standinger	10485	People v. Thompson	10401
People v. Crampton	10492, 10493		
People v. Goheen	10501	<i>November 8, 1900.</i>	
People v. Nicol	10502	People v. Wombwell	10527
People v. Streeter	10504	People v. Reener	10555
People v. Reener	10513	People v. Parsons	8562, 8563
People v. Cooper	10515	People v. Guyle & Dickerson	9424
People v. Rebing	10519	People v. Costello	9423
People v. Hamill	10520	People v. O'Connor	9425
People v. Haberlin	10509	People v. Thomas	9427, 9428
		People v. Hickok	8573, 8574
		People v. Fotman & Hollenbeck.....	8572
<i>October 2, 1900.</i>			
People v. Crofoot	8979	<i>November 12, 1900.</i>	
People v. Kalweit	4981	People v. Schacht	8209
People v. Anderson	4980	People v. Coyle	7317
People v. Wart	9101	People v. Graham	7316
People v. Stratton	7747	People v. Driscoll	10001
		People v. Green	7319
<i>October 8, 1900.</i>		People v. Kramer	9551
People v. Taft	7748	People v. Reif	9552
People v. Kosetcka	9948	People v. Attica Creamery Co.....	9555, 9700
			9556
<i>October 12, 1900.</i>		People v. Karkow	9677
People v. Wainwright	10631	People v. Vogt	9678
People v. McDonald	6434	People v. Stoddard & Rich.....	9684
		People v. Angelczik	9688
<i>October 17, 1900.</i>		People v. Haskell	9695
People v. Tanner	10350	People v. Bancroft	9696
People v. Mickel	8050		
		<i>November 12, 1900.</i>	
<i>October 18, 1900.</i>		People v. Peterson	7315
People v. Ford	10352	People v. Kinney	7373
People v. Packer & Squares.....	9422	People v. Drake	7310
		People v. Stearns	7317
<i>October 20, 1900.</i>		People v. Dubbert	5942
People v. Church	10634	People v. Roy	5949
People v. Smith	6402	People v. Sommers	7382
People v. McMannls & White.....	6410	People v. Gishon	5945
People v. Downer	6418	People v. Beebe	5939
		People v. Whalon	5941
<i>October 25, 1900.</i>			
People v. Sitterly	8975	<i>November 24, 1900.</i>	
People v. Heroth	8974	People v. Hale	8575
People v. Smith	8977		
People v. Ohm	8980	<i>November 26, 1900.</i>	
People v. Robinson	9104	People v. Rollins	9212, 9213
People v. Frederick	9102	People v. Morohees	9239
People v. Weed	9103	People v. Holmes	9963
		People v. Salmon	9967, 9971, 9969, 9968, 9970

	CASE NO.
People v. Winegar	9957, 9962
People v. White	9965
People v. Litts	9760
People v. Traver	9766
People v. French	9762
People v. Kimbell	9761
People v. Allen & Mills.....	9763
People v. Goff	9219
People v. Rollins	9220
People v. Brown	9224
People v. Knapp	9222
People v. Tobias	9223
People v. Holt	9221
People v. Wilcox	9255

November 27, 1900.

People v. Mingle & Avery.....	9972, 9973
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December 12, 1900.

People v. Erwin	7364
People v. Peterson	10008
People v. Stockwell	7962
People v. Ogilvie	7311
People v. McGraw	10003
People v. Hancock	10002

December 20, 1900.

People v. Long & Carroll.....	8576, 8577
People v. Cronkite & Curtis.....	8579
People v. Sullivan	8580
People v. Walsh	9442
People v. Smith	9443, 9444, 9445
People v. O'Connor	9435, 9436
People v. Lonergan	9940, 9441
People v. Hendte	9430
People v. Whittaker	9437
People v. Hill	9431, 9432

December 22, 1900.

People v. Johnston	8301
People v. Winship	6526
People v. Robinson	5114
People v. Reynolds	6530
People v. Warner	5154
People v. Weed	6521
People v. Finch	6529

December 24, 1900.

People v. Clum	4200, 4210
People v. Shults	4208
People v. Carragher	4207
People v. Sipperley	4204

December 27, 1900.

People v. Mable	4206
People v. Link	4211

December 28, 1900.

People v. Zeigler	9583
People v. Stroh	9580, 9185, 9585
People v. Schindler	9699, 9577, 9561
People v. Munter	9572
People v. Boehn	9573
People v. Hupcock	9571

	CASE NO.
People v. Lannen	9566
People v. Missert	9564
People v. Smith	9567

December 29, 1900.

People v. Feeter	9448, 9449
People v. Lyons	9450
People v. Card	10051, 10052

January 11, 1901.

People v. Page	10635
People v. Peters	7351
People v. Short	10534
People v. Morse	10561, 10566
People v. Gerton	10568

January 16, 1901.

People v. Sly	9231
People v. McDonald	9772
People v. Voight	9775
People v. Reason	9975
People v. Edminster	9230

January 18, 1901.

People v. Sugar Loaf Dairy Co.....	8986
	4982, 4974, 8984, 8985

January 22, 1901.

People v. Elliott	10402
People v. Miller	4212

January 23, 1901.

People v. Vandecar	5473, 5474
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February 11, 1901.

People v. Ells & Rupp.....	9591
People v. Rupp	9593
People v. Bashier	9587, 9689

February 21, 1901.

People v. McDougell	9106
People v. Parkhurst	9107
People v. White	8971

February 23, 1901.

People v. Snyder	10360
People v. Terrell	10359

February 26, 1901.

People v. Van Susan.....	10056, 10057
People v. Conrad	10055
People v. Barker	10054
People v. Burt	10059, 10060
People v. Smith	10053

March 1, 1901.

People v. Sears	7960
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March 12, 1901.

People v. Teal & Shaw.....	6431
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March 18, 1901.

People v. Mumford	4467
People v. Dolan	4214
People v. Cole	4215
People v. Fox	3972

March 21, 1901.

	CASE	NO.
People v. Carson	8105	
People v. Gillispie	9108	

April 4, 1901.

People v. Seeley	10804,	10805
People v. Schwartz	10730, 10731,	10732
People v. Vosburgh	10746	
People v. Brower	10591	
People v. Northrup	10806	

April 17, 1901.

People v. Link	8805	
People v. Couse	8806	
People v. Megley	6520	
People v. Gloyd	6532	

April 27, 1901.

People v. Parker	12001	
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May 7, 1901.

People v. May	10357	
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May 8, 1901.

People v. Burton	10363	
People v. Kayner	10362	

May 9, 1901.

People v. Fritz	9596	
People v. Gerber	9703	
People v. Haas	9713	
People v. Neumann	9715	
People v. Follett	9721	
People v. Wittmann	9728	
People v. Strasser	9740	

May 16, 1901.

People v. Dunn	10407	
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May 17, 1901.

People v. Bennett	10365	
People v. Cummings	10364	

May 24, 1901.

People v. Randall & Son	10814,	10815
People v. Trimble	10843,	10844
People v. Ramsdell	10901, 10902, 10903,	10904
	10905	
People v. Goldman	10841	
People v. Northrup	10842	
People v. Hoff	10818	

May 25, 1901.

People v. Salmon	9244, 9245, 9243,	9247
People v. Hint	9787, 9788, 9789,	9790

June 8, 1901.

People v. Bult	5476	
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June 15, 1901.

People v. Dunham	4210	
People v. Mabey	4218	

June 18, 1901.

People v. Quay	10410	
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June 26, 1901.

People v. Northrup	10926	
People v. Wombwell	10927	

June 28, 1901.

	CASE	NO.
People v. Hull	4219	
People v. Troy Dairy Co.	4221	

June 29, 1901.

People v. Webb	10367	
People v. Young	10368	

July 11, 1901.

People v. Ryans	10371	
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July 12, 1901.

People v. Clark	10068	
People v. Baker	10061, 10062	
People v. Dent & Anderson	10063, 10064	
People v. Corleto	10065, 10066	
People v. Enders	10069	
People v. Bundy & Sutherland	10070	

July 19, 1901.

People v. Lanehan	4220	
People v. Weber	9726,	9738
People v. Wills	10694	
People v. Steinmiller	9736	
People v. Wiser	10654	
People v. Cweika	10658	
People v. Weinsenal	10661	
People v. Gorman	10663	
People v. Landsman	10677	
People v. Neumann	10673	
People v. Hoffman	10684	

July 30, 1901.

People v. Batchots	5480, 5481,	5482
People v. Fonda	4222	
People v. Minor	10414	

August 3, 1901.

People v. Robinson & Hawkins	8712	
People v. Rusch	8762	
People v. Watts	8714	
People v. Mays	8773	
People v. Lowe	8743	
People v. Sugar Loaf Co.	8728	
People v. Mutual Milk & Cream Co.	8737	
People v. Schmidt	8739	
People v. Standard Dairy Co.	8684	
People v. Mutual Milk & Cream Co.	8730	
People v. Hilman	8770	
People v. Rudorf	8740	
People v. Schoemaker	8731	
People v. Jordan	8695	
People v. Wecht	8727	
People v. McDermott Bunger Co.	8686	
People v. Pierson	8748	
People v. Piffer	8744	
People v. Warwick Valley Milk Assn.	8705	
People v. Schneider	8720	
People v. Mutual Milk & Cream Co.	8738	
People v. Hatch	8741	
People v. Kipps	8729	
People v. Tuting	8734	
People v. Payson Brothers	8726	

	CASE NO.
People v. Mutual Milk Co.....	8715
People v. Benderoth	8761
People v. Wund	8680
People v. Tutting	8742
People v. Mutual Milk & Cream Co...	8768
People v. Sugar Loaf Dairy Co.....	8733

August 5, 1901.

People v. Long	11025
People v. Leinsinger	10330
People v. Conklin	10334
People v. Teamerson	10336
People v. Sheil Brothers	10339
People v. Bailey	10340
People v. Steele	10347
People v. Campbell	10951
People v. Prenner	11003
People v. Behrendt	11005
People v. Phillips	11011
People v. McGuire.....	11028, 11029, 11031, 11032 11040, 11041, 11042, 11044

August 7, 1901.

People v. Barthorf	9987, 9986
People v. Lewis	9998
People v. Moore	9990, 9988
People v. Andrus	10000
People v. Milligan	9999
People v. Owens	10779

August 8, 1901.

People v. Willimier	8990
People v. Nelbach	10685
People v. Henschke	10764
People v. Koehler	8312
People v. Morrissey	6518
People v. Hermann	6519
People v. Pechtle	6541
People v. Hatch	6545
People v. Stanton	6512
People v. Barton	6542
People v. Roarback	5163
People v. Frank	5164
People v. Haines	6517
People v. Vananden	6516
People v. Best	6534
People v. Ostrander	6333

August 10, 1901.

People v. Strong	6543
People v. Robinson	6544

August 22, 1901.

People v. Roberts	8994
People v. Hunt	8995
People v. Bliss	8998
People v. Eades	8997

August 24, 1901.

	CASE NO.
People v. Smith	11253, 11254
People v. Campbell	11276
People v. Lynch	11251
People v. Galliager	11277

September 10, 1901.

People v. Braunstein & Co.....	8792
People v. Michels	8775
People v. Pierson	8767
People v. Nelson	8777
People v. Manhattan Dairy Co.....	8782
People v. Steinmann	8764
People v. Hartmann	8776
People v. Withers	8783
People v. Eggers	8700
People v. Havemeyer	8765
People v. Greenwich Dairy Co.....	8791
People v. Wright	8781
People v. McRoberts	8784
People v. Smith	8785
People v. Nelson	8772

September 16, 1901.

People v. Doolittle	11257
People v. Stenshorn	11260, 11262
People v. Hatfield	11259
People v. Yoemans	11253
People v. Wood	11279
People v. Mills & Getman	4984
People v. Shoemaker	8973
People v. Lawton	4985
People v. Miller	8991
People v. Stevens	10417

September 17, 1901.

People v. Smith	9109
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September 24, 1901.

People v. Palmer	10416
People v. Boughton	10413
People v. Young	6952, 6853

September 25, 1901.

People v. Hallings	11051
People v. Ammann	11045
People v. Church	11066
People v. Ireland	11057

September 30, 1901.

People v. Routh	10735
People v. Berchtold	11320
People v. Lippert	11321
People v. Annex Cafe Co.....	11317
People v. Wetherwax	11313
People v. Zeitler	11310
People v. Beuhlman	10887
People v. Prior	11303
People v. Bauer	10786
People v. Woodward	11302

The showing is very gratifying to us and indicates there were fewer people last year who were either negligent or wilful viola-

tors of the statute, and that they are paying more respect to it as time goes on.

The milk question is one of great concern to everybody, as nearly everybody is a purchaser or consumer of the same. One of the particular methods of adulterating milk has been, during the extreme warm months to add to it preservaline. Some of these preservalines are made from formaldehyde, a chemical substance that is said to be poisonous and may be injurious even in small quantities to the human system. Many apparently well meaning milkmen and men with reputations for integrity have used it under representations made to them that its use was not only harmless, but beneficial. The following fallacious argument has been used, viz: That it could not harm any commodity to put something into it that simply preserved it in its original state; that everybody preserved fruit so as to have it as near as possible in its original state at the time of the year when it could not be grown. This argument has convinced a great many and they have used the commodity only to find themselves in trouble thereafter for using it. I am informed by those competent to speak upon the subject that the preservaline hinders, if it does not stop, that decomposition which is necessary to rapid and complete digestion. The fact that these statements and arguments have been used as they have been to many of the dealers accounts for many of the violations of the milk law which have been reported to the Attorney-General. At the present time some of the cities of the State are seriously considering the effect upon the human system of milk containing too many bacteria of a given kind. This question is not only an intensely interesting one, but a very complicated one. It might well be termed, "A small question on a large scale." It is with much difficulty that we can procure assistance that is competent to pass upon this question, but in view of the fact it is the coming question and one that is being strongly agitated in some of the cities in the State of New York of milk containing more than a given number of bacteria to the cubic centimeter, I have been doing what I could

with the assistance I was able to procure to determine what, if anything, could be done to assist those in producing milk, to the end that they might send it to the city with as few bacteria of a dangerous character as possible in it. I have consulted with Prof. V. A. Moore of Cornell University, who is eminently qualified, having made it a life study. He has prepared a report relative to this question, and from that report I am of the opinion that the danger from this source is not nearly so great as the people have been led to believe. However, the facts as found by Professor Moore have been placed at your disposal (see Eighth Annual Report of the Commissioner of Agriculture), and if in your wisdom it is deemed best to place at the disposal of this Department the necessary means or equipments with which to enter further into this subject, it would probably prove a benefit not only to the milk producing portion of our people but to the consuming public.

By chapter 153, Laws of 1898, your honorable body provided that no milk cans in which milk had been conveyed to city or town should be returned in a filthy condition or containing any garbage or deleterious milk, but in making this provision it also provides it should not apply to cities of the first class. It is now conceded that this is one of the great sources of food for bacteria, and that great quantities of it exist in cans that are returned from cities of the first class, i. e., New York and Buffalo. By virtue of that provision this Department is unable to do anything whatever relative to the cans returned to the producer from the above-named cities. It is a fact well known to all persons who see such cans that many of them are returned reeking with foul odors from garbage of different kinds deposited therein by some one in the city before returning them. That this garbage is a great source of food for bacteria of all kinds, and more particularly harmful bacteria, cannot be denied. This act, in my judgment, should be amended to the end that the law should be applied to all portions of the State without exception.

The amount of milk received in the city of New York during the years 1888 to 1901, inclusive, is as follows:

	Number forty-quart cans
1888	6,062,216
1889	6,630,278
1890	8,141,983
1891	8,269,953
1892	9,084,781
1893	9,303,315
1894	9,485,018
1895	9,336,827
1896	10,079,417
1897	10,338,356
1898	12,382,106
1899	13,121,655
1900	13,504,610
1901	14,005,007

CONDENSED MILK.

During the year agents of this Department have found several firms in the State that were selling condensed milk in cans hermetically sealed and that were not labeled or branded as required by the statute. In these instances cases were made and referred to the Attorney-General for prosecution as follows:

August 20, 1901.

People v. Jurgens, No. 100.
People v. Nestle.
People v. Smith & Sills.

People v. O'Dell.

People v. Scranton Dairy Co.
People v. Wood & Sellick.

August 25, 1901.

People v. Strait Bros.

September 1, 1901.

People v. Elliott.

September 30, 1901.

People v. Fuller & Jones.
People v. Huron Condensed Milk Co.
People v. Leggett & Co.
People v. Vermont Milk Co.

These violations have not been numerous, but illustrate the fact that all the avenues require watching in order to avoid violations. On the whole the law is observed by producers of this class of goods. These manufacturers in particular are to be commended for the cleanliness and good sanitary condition

around their plants, and the great care with which all the cattle and their surroundings are observed by those producing milk for these plants. The work done by these people is in a great degree educational to the milk producing public and is proportionately beneficial to the milk consumer.

PRESERVATIVE.

Your honorable body provided by chapter 534, Laws of 1900, as follows:

No person shall sell, offer or expose for sale, any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the agricultural law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the agricultural law shall be guilty of a violation of this act.

Under the provisions of this statute I have endeavored to stop all persons in the State of New York from advertising or selling preservative for the preservation of dairy products.

In the case of the *People v. Biessecker*, the question of the constitutionality of the said law was raised, the attorney for the defense contending that the said law was unconstitutional because it sought to prevent the sale of all preservatives and was not confined to the prohibition against preservatives that were deleterious to health. The court held with the defense in this, basing its views mainly upon the proposition that preservatives were to preserve and not to destroy, and it was plainly beyond the constitutional power of the Legislature to pass a law that prevents a man from preserving or caring for his property. This case was appealed, the Appellate Division of the Supreme Court sustaining the decision of the lower court. From this decision an appeal was taken to the Court of Appeals.

The following are the briefs and points for the People on appeal:

COURT OF APPEALS—STATE OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK, Plaintiff-Appellant,
against JOHN S. BIESECKER, Defendant-Respondent.

STATEMENT OF FACTS.

This action was begun by the Commissioner of Agriculture of the State of New York, for the violation by the defendant of section 27 of chapter 338 of the General Laws passed in 1893 and known as the Agricultural Law, as amended by chapter 534 of the Laws of 1900. Authority to bring the action is given by section 8, and the penalty sought to be collected is one hundred dollars (\$100) imposed by section 37 of the law.

Section 27 as amended in 1900, prohibits the adulteration of dairy products with animal fats or oils and the manufacture of any oleaginous substance with intent to sell the same as butter or cheese; no person shall solicit orders for the sale of the same, nor sell any such product or substance as a product of the dairy; no person shall coat, powder or color butterine or oleomargarine with annatto, by means of which such oleomargarine shall be made to resemble the product of the dairy; no person shall make, sell, or have for sale, butter that is produced by taking original stock, melting the same and mixing the resultant butter fat with skimmed milk and producing what is commonly called process butter, unless he shall plainly mark it as "renovated butter," and the tub containing such shall have the top and sides marked "renovated butter," with letters at least one inch in length.

This action was brought for the violation of the remainder of the section which reads as follows:

"No person shall sell, offer or expose for sale, any butter or other dairy product containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the Agricultural Law. Any person, firm, association or corporation selling, offering or

advertising for sale any substance, preparation or matter for use in violation of the provisions of the Agricultural Law, shall be guilty of a violation of this act."

The amendment of 1900 became a law in April of that year. In July 1900, the plaintiff served the defendant with the summons and complaint in this action which alleged:

"That for some time prior to June 27th, 1900, and on the 27th day of June, 1900, at his store, No. 59 Murray street, borough of Manhattan, city of New York, the defendant did offer for sale, did advertise for sale and did sell a substance, preparation or matter called preservaline, which was declared by him to be, and advertised by him to be put into, mixed with and made a part of dairy products and be a preservative of butter or other dairy products. That said substance, preparation or matter called preservaline is a preservative, and is not salt to be put into butter or cheese and is not spirituous liquors to be put into club or other fancy cheese, and is not sugar to be put into condensed milk.

"That the defendant offered for sale, advertised for sale and did sell the said substance, preparation or matter with the intent and recommendation that the purchaser should manufacture it, mix or compound it with or add it to natural milk or cream and other dairy products, and then sell the said dairy products containing the said preservative. That said advertisement, offer of sale and sale of said substance, preparation or matter by the defendant was advertised and sold for use in violation of the provisions of the Agricultural Law, and contrary to section 27 of chapter 338, of the Laws of 1893, as amended by section 1 of chapter 149, of the Laws of 1899, as amended by chapter 534 of the laws of 1900."

The defendant admitted that he advertised for sale, offered for sale, and sold a substance to be put into and mixed with dairy products, and such substance he advertised to be a "preservative," but he demurred that he was thereby breaking the law of the land, and alleged the statute of 1900—that no person shall sell, offer or expose for sale, any butter or other dairy

product containing a preservative—to be unconstitutional and therefore void.

The issues of law thus raised by the demurrer were brought on for argument before Justice Bischoff at the October Special Term of the Supreme Court in New York county and that court sustained the demurrer. Judgment dismissing the complaint was entered December 11, 1900. Plaintiff appealed to the Appellate Division of the Supreme Court for the First Department, on December 22, 1900. Said appeal came on for argument on March 8, 1901, and an order of said court affirming the judgment at Special Term was filed April 16, 1901. Final judgment was entered on the order of the Appellate Division on April 18, 1901, from which judgment an appeal to this court was taken May 7, 1901. On October 1, 1901, an order was made by this court placing the appeal upon the present calendar and stipulation was filed by the parties hereto fixing the date of the argument for October 29, 1901.

POINT 1.

THE PROHIBITION AGAINST THE SALE OF DAIRY PRODUCTS CONTAINING A PRESERVATIVE IS CONSTITUTIONAL IF ENACTED TO PROTECT THE PUBLIC HEALTH OR TO PREVENT FRAUD.

The defendant advertised for sale a substance known as “preservaline,” which he said was a “preservative,” to be mixed with and put into milk, and by inducing persons to purchase this substance and mix it with milk he became a violator. The contention of defendant is, that the prohibition against selling a dairy product containing a “preservative” is in restraint of liberty, and is the taking of property without due process of law, and that he cannot be held liable for inducing anyone to violate an unconstitutional law.

“This court has frequently defined liberty in its broad sense as understood in this country to mean, the right, not only of freedom from actual servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful

calling, and to pursue any lawful trade or avocation. It has been declared to be one of the fundamental rights and privileges of every American citizen, to adopt and follow such lawful industrial pursuits not injurious to the community as to him may seem fit.”—*Matter of Jacobs*, 98 N. Y., 98; *People v. Marx*, 99 N. Y., 377; *People v. Gillson*, 109 N. Y., 389; *People v. Tyroler*, 157 N. Y., 116.

The plaintiff grants and admits that this statute interferes with the business of this defendant and restrains him from unlimited license to sell or advertise the product of his business for mixture with dairy products.

But restraint of person and property is allowed to the legislature if the restraint is exercised for the peace, safety, or general welfare of the public. Such restraint is called the police power of the legislature.

“We may own our property absolutely and yet it is subject to the proper exercise of the police power.”—*Health Department v. Rector*, 145 N. Y., 32.

The question before this court is whether the legislature was acting within the police power vested in it when it passed the provision:

“No person shall sell, offer or expose for sale any butter or other dairy product containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk.”

The police power has not yet been fully described or its extent plainly limited. It has been often remarked that it is difficult and impossible to define its limits. One definition called it co-extensive with self-protection, and the operation by society of the natural law of self-preservation. It has not inaptly been called the law of paramount necessity.

“It is incapable of exact definition, but its existence is essential to every well ordered government.” *People v. King*, 110 N. Y., 423.

“It is an undoubted rule that it may be exerted to protect

the public health, or prevent a fraud upon the people.”—*People v. Girard*, 145 N. Y., 105.

“If the act prohibited is fraudulent there can be no doubt that the legislature under its police powers may provide for its punishment.”

“A regulation which is instituted for the purpose of preventing fraud or injury to the public, and which tends to furnish such protection is clearly constitutional.”—Parker, Ch. J., in *People ex rel. Tryoler v. Warden*, 157 N. Y., at page 123.

“In short, the police power covers a wide range of particular unexpressed powers reserved to the state affecting freedom of action, personal conduct and the use and control of property.”

“It may be used in restraint of liberty whenever necessary to secure the peace, good order, health, morals and general welfare of the community. And the propriety of its exercise within constitutional limits is purely a matter of legislative discretion with which the courts cannot interfere.”—*People v. King* (supra).

“The court will not be prevented from looking at the true character of the act as developed by its provisions by any statement in act itself or its title showing that it was ostensibly passed for some object within the police power.”—*Health Department v. Rector*, 145 N. Y., 32.

“In other words, its (the Legislature’s) determination as to what is a proper exercise of the police power is not final or conclusive, but is subject to the supervision of the courts.”—*Colon v. Lisk*, 153 N. Y., 196.

“The courts have not been able or willing definitely to circumscribe it, and each case must be decided very largely on its own facts.

“The difference between what is and what is not reasonable frequently constitutes the dividing line between a valid and void enactment by the Legislature in the exercise of its police power.” Dissenting opinion, Bartlett, J., *Health Department v. Rector*, 145 N. Y., 42.

“If courts are able to say upon a perusal of the statute that there is some fair and reasonable connection between the stat-

ute and the protection of the public health and prevention of fraud, the statute will be sustained.”—*Matter of Jacobs*, 98 N. Y., 98; *People ex rel. Tyroler v. Warden*, 157 N. Y., 116; *People v. Gillson*, 109 N. Y., 389.

This court jealously guards the right to scrutinize every decision of the Legislature as to what is or is not a valid exercise of the police power. The plaintiff must show to this court a reasonable connection between the statute and the protection of the public health or the prevention of fraud.

POINT II.

THE PROHIBITION AGAINST THE SALE OF DAIRY PRODUCTS CONTAINING A PRESERVATIVE IS FOR THE PROTECTION OF THE PUBLIC HEALTH.

1. The statute expressly states this object:

Section 36 of the Agricultural Law expressly declares each section of the law to be enacted to prevent deception “and to preserving the public health, which is injured by the manufacture, sale and use of the articles or substances herein regulated or maintained.”

2. The history, context and subject matter of section 27 show this object:

Section 27 as a general law was passed in 1893 and reads as follows:

“No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such intent; nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced, be sold as and for butter or cheese the product of the dairy. No person shall coat, powder or color with annatto or any coloring matter whatever, butterine or oleomargarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream by means of which such product, manufacture or com-

pound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with intent to sell the same nor shall he sell or offer to sell the same."

The kinds of adulterations prohibited were: animal fats, making oleomargarine to sell as butter and coloring the same so as to imitate butter. The offenders were, the manufacturer; the jobber or man who took orders; the man who had in possession for sale and the man who sold.

The first amendment to this section was made by chapter 149 of the Laws of 1899, and consisted of the addition to the section of the following:

"No person by himself, his agents or employees, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock or other butter or both and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream or other milk product and reurning the said mixture, or that is produced by any similar process and is commonly known as boiled or process butter, unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a conspicuous place with the words, 'Renovated butter.' If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said prints or rolls shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words 'Renovated butter.' If the same is packed in tubs or boxes or pails or other kind of a case or package the words 'Renovated butter' shall be printed on the top and side of the same in letters, at least, one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale, uncovered, not in a package or case, a placard containing the label so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. No person shall sell, offer or expose for sale, any butter or other dairy product containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk."

The original section would seem to have reached all kinds of adulteration; but evidently there were offenders who were shrewdly avoiding the effect of section 27 by taking oils or fats directly from old butter and making "renovated butter."

Another class of offenders were putting into and mixing with dairy products a foreign substance which they called a "preservative," and to reach this class the sentence was added, "no person shall sell, offer or expose for sale any butter or other dairy product containing a preservative."

Nowhere in the Agricultural Law was there anything to punish the man who induced another to do the mixing of a foreign substance with a dairy product; nor to punish the person or firm who offered to sell and advertised for sale, fats and animal or vegetable oils; the various coloring matters to make substances resemble butter, or to make white vinegar resemble in color the pure cider vinegar, or who sold the instruments or chemicals, substances or compounds with which the Agricultural Law could be violated.

This was the evil that brought about the last amendment of section 27 and the enactment of chapter 534 of the Laws of 1900. It caught the defendant in the meshes of the law and caused him to raise a great hue and cry about abuse of liberty and the Constitution. The act reads as follows:

"No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the Agricultural Law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the Agricultural Law shall be guilty of a violation of this act."

The entire Agricultural Law has running through it the manifest intention of the Legislature to protect the food supplies of the people. It regulates the standard for milk; the kinds of food to be fed to the cows; fixes times when milk from cows cannot be sold; fixes a standard for the purity of vinegar; prohibits the sale of bobbed veal and protects butter and cheese from the sale of imitations as butter and cheese. Section 27, containing the enactment under review, is set in and is surrounded by and made a part of all this legislation. Surely the Legislature was giving its attention to the public health and

was not thinking of this defendant nor the destruction of his business. Nor was it thinking, as in the case of *People v. Marx*, 99 N. Y., 377, and in *re Jacobs*, 98 N. Y., 98, of upholding some special industry or class.

3. Any dairy product containing a preservative is harmful to the public health:

If a preservative in a dairy product is harmful, even the defendant will not deny the power of the Legislature to prohibit its use. The court must not be deceived by the definition of the word into believing that the substance itself, because called by that name, must be harmless. The positive charge is here made and plaintiff could have proven it on trial, that any chemical preservative introduced into and mixed with a dairy product is harmful just because it does preserve. Plaintiff could also have shown that most, if not all, the so-called preservatives have as their main element the chemical called formaldehyde, which is the chief element in the embalming liquors used by undertakers, and which is generally used by photographers to coat their plates with a hard gelatinous surface.

In *re Jacobs* this court took judicial notice of the public demand for tobacco, of its nature and its quality. Plaintiff urges that the court now take judicial notice of the fact that dairy products are of a perishable nature tending to fermentation and decay; that digestion and assimilation of dairy products in the human body is nothing more or less than hastened fermentation and decay; that any substance introduced into dairy products and mixed with them, which tends to hold together its elements and molecules so as to defeat the natural progress to fermentation and decay would continue to have the same effect when that dairy product had passed into the human stomach. It could not be a preservative unless it resisted the tendency of the food toward decay; this same resistance would be made against the fermentation and digestion of the food in the human stomach.

The Legislature examined into the various so-called preservatives, as must be evident from the exceptions which it makes

of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk. That there are exceptions mentioned indicate that the questions of harmlessness or harmfulness was considered by the Legislature. There was the forum in which this defendant should have urged the harmless character of preservaline. The Legislature determined that some preservatives at least were harmful.

Defendant doubtless will loudly take issue with the statement that all "preservatives" are harmful, and will urge on the contrary that his preservaline is as harmless as the best milk from a Jersey dairy. That is one of the marvelous discoveries of science of this age. He surely will not urge that all "preservatives" selling on the market are harmless. In competition with his rivals in the market place we know that he vouches only for his own product. We know also that his competitors return his compliment and vouch only for the harmlessness of their product. There can be no doubt that at least some "preservatives" are harmful.

4. In protecting the public health from some harmful preservatives the Legislature may prohibit the sale of all preservatives in the exercise of its discretion.

The plaintiff alleges that all preservatives are harmful. The defendant insists that all or at least some are harmless. This court cannot take to itself, nor does it want to do so, the duty of determining when any prohibited article is harmful or harmless. This court can, however, take judicial notice of the effect of chemicals in food to decide that some chemicals inserted in food which would preserve the food and thereby become entitled to the name "preservative" are in fact harmful to digestion and to the public health. The word "preserve" and the noun "preservative" does mean harmlessness as applied to preservation of iron by paint from rust, but when the word "preservative" is applied to a chemical reaction in food it does not follow that the food thereby is not injured as food by reason of the very reaction which has been necessary to preserve it.

The defendant protests that the Legislature has put a ban on what he would call a harmless preservative as well as on the harmful. He would have the statute limited so as to read:

“No person shall sell any dairy product containing a harmful preservative.”

Any such enactment would cover this State with all kinds of food adulterants christened by their makers “harmless preservatives.” The State would be obliged to pursue every one through all of the courts clear up to this forum before any one of the adulterants would give up the fight and retire from the traffic in the public health. Such an act would be a public announcement to every chemical manufacturer: “Come to New York and adulterate dairy products and take your chances in getting a jury to call you a harmless preservative.” Even though the “preservative” might be held to be most harmful he would be doing business for a year behind the law’s delays at a profit of such size as to make the expense of litigation very worth while. If the question of harm or not-harm is not to be left to this court, but is to be left to a jury there would be one decision in Buffalo and another in New York city. The entire State would be divided into a camp of juries, a camp of is-it-harmful and a camp of is-it-not-harmful. Under one Appellate Division a preservative would be harmless and sold with impunity, under another it would be harmful and barred from sale.

The State simply could not collect evidence and otherwise cope with the army of adulterants. Like a horde of locusts their very numbers would overwhelm opposition. This situation would result just because defendant thinks it better that ninety-nine guilty adulterants should escape rather than that the liberty of one innocent adulterant should be violated.

In matters of the food of the general public, is it not public policy, is it not legislation for the good of the whole, even at the sufferance of a few, is it not a valid exercise of the police power, that one harmful adulterant—“preservaline,” if defendant pleases—should suffer in his liberty of manufacture and sale

rather than that ninety-nine guilty harmful adulterants should escape the law and damage the public health. Does this not come within *Colon v. List*, 153 N. Y., 188, where the court said:

“The interests of the public generally and not a particular class must require it.”

In *People v. Cipperly*, Judge Learned said:

“Where there is a general right on the part of the public and a general duty on the part of the land-owner or any other person to respect such right we think it is competent for the Legislature by a specific enactment to prescribe a rule for declaring, establishing and securing such right.”

Is not the Legislature a forum where the citizen can go at any time and get recognition for his harmless preservative? Is it not the business of the Legislature to determine the people's needs and their dangers?

5. A similar statute has already been declared for the public health so far as it relates to one dairy product.

The case of the *People v. Cipperly*, 37 Hun, 324, settled the rule of law for this case as to milk. The opinion was written by Judge Landon. Judge Learned, P. J., wrote the dissenting opinion, and the Court of Appeals in 101 N. Y., 634, said:

“For reasons sufficiently stated by Judge Learned, who has dissented in the General Term, the judgment should be reversed.”

Section 13 of the Law of 1883 was incorporated as section 20 in the Agricultural Law in 1893, and it provided:

“The term adulterated milk when so used means milk containing more than eighty-eight per cent. of water or fluids and milk containing less than twelve per cent. milk solids.”

The evidence in the case showed that the milk in question had been drawn from healthy cows and in its natural state fell below the standard.

It was asserted that the milk was in fact a wholesome product and the decision of the General Term, which was reversed, was the same argument as defendant is here using, viz., that the Legislature was beyond the police powers and was not protect-

ing the public health in prohibiting the sale of wholesome milk. In that case there was no foreign substance in the dairy product, it simply fell below the arbitrary standard. The dissenting opinion, which was made the opinion of this court, says:

“How is unwholesomeness to be determined. The court cannot take judicial notice whether milk below a standard is or is not unwholesome. Is it for the jury? If so the court must charge the jury in each case that if they find milk below that standard to be unwholesome, then the statute is constitutional; if they find it to be wholesome, then the statute is unconstitutional. A constitutional question cannot be settled or rather unsettled in that way. It would vary with the varying judgment of juries.”

“If the Legislature may fix a standard, they must judge whether or not milk below that standard is wholesome. The courts cannot review that judgment.”

“It cannot even be material to the present question whether milk below the standard fixed by the State is or is not wholesome, the question is whether the Legislature can establish a standard of purity.”

Section 13 of the old law being section 20 of the Law of 1893, continued in its definitions of what the term adulterated milk means down to and inclusive of the following subdivision:

“Milk which has been diluted with water or any other fluid or to which has been added or into which has been introduced any foreign substance whatever.”

Of this section and of this subdivision this court said in that case:

“The examination of the present law clearly shows that it relates to and is appropriate to promote the public health. Whether its details are wise we do not know, but its object is evident and is good.”

“There is nothing in the present law which has any other result in view than the public health. No large manufacturers are to be protected against the competition of a single workman. No other intention can be gathered from the law, plainly none other existed and in view of the difficulties which surround

the attempt to secure wholesome milk to the people, it is by no means certain that the establishment of a definite standard is not a judicious provision."

This court has said all this regarding one dairy product, how can it now say that the Legislature when it seeks to prohibit the sale of all other dairy products as dairy products "into which has been introduced any foreign substance whatever" is acting from a different motive.

The portion of section 27 referring to "renovated butter," prohibits the sale of a butter which apparently on the surface of the statute is far more conclusively harmless than the so-called "preservative." It will not be contended that the Legislature has not the power to insist that such "renovated butter" shall be marked by its true name "renovated butter" and shall not be sold as the real thing. Yet in fact it is real butter. It has had no foreign substance added to it; it has simply been worked over; it is a second-hand product. This process is a sort of preservative process by mechanical means. It treats butter after it has become old or decayed. If the prohibition against the insertion into butter of a chemical whether called "preservative," "restorer," "renewer," or whatever the name, is unconstitutional, how much more is the statute restraining the business of the renovator unconstitutional. His product ought to be entitled to sale, because the elements he uses are solely nature's elements? The statute in this case prohibits the sale of butter containing a foreign substance introduced to delay its fermentation and to make it less digestible, and the statute simply says that such dairy product shall not be advertised and sold as the pure article.

Does the line of difference between the legislation for the public health and of legislation beyond the police power lie somewhere between milk and other dairy products?

In the language of Judge Finch of this court, "Let us play no tricks with food, let us have no experimentation."

POINT III.

THE PROHIBITION OF THE SALE OF A DAIRY PRODUCT CONTAINING
A PRESERVATIVE WAS ENACTED TO PREVENT DECEPTION.

1. The statute expressly states this object:

Section 36 of the Agricultural Law says:

"This article and each section thereof are declared to be enacted to prevent deception in the sale of dairy products."

Article 2 includes both section 27 and section 36.

2. The history, context and subject-matter of section 27 show this to be its object:

The history of the different amendments to section 27 and the discussions of the provisions of article 2, given above, bear with equal force on this object of the statute.

3. Even if all the preservatives are harmless, their sale can be prohibited to prevent fraud:

Defendant urges unconstitutionality against the statute solely because it would prevent the sale of what he calls harmless preservatives. Admitting for argument they were all harmless, the police power may be exercised to prevent fraud.

If the statute sought to prevent the sale of a dairy product containing any harmless foreign substance under any name than the name of a dairy product, it would manifestly be unconstitutional under the decision of *People v. Marx*, 99 N. Y., 377, but the statute is directed to prevent the sale as dairy products of dairy products which do contain a foreign substance. Dairy products are of such character and constituency that every one knows their origin and their constituents. A purchaser of dairy products desires dairy products, and not dairy products plus some other substance. It is most absurd for the defendant to argue, as he did in the lower court, that this act prohibits the sale of Matzoon, or Sparklets, or Kuymss, or milk punch, or carbonic acid gas, or boracic acid.

He calls all of these, I suppose, within the statute's meaning of the word preservative. The absurdity of this reasoning would command no attention from the plaintiff were it not

that the decision of the Special Term and the decision of the Appellate Division suggests that the minds of the lower courts were deceived by this specious suggestion.

This act does not prohibit a dairy product to be sold under the name of Kuymss or Matzoon, any more than it prohibits the sale of butter mixed with a foreign substance to be made into a hard sauce, or milk to be mixed with eggs and be sold as custard, or to be mixed with liquor to be sold as punch; but it does declare it to be a fraud to mix any of these substances with a dairy product, or to make any formula or decoction containing milk and then to sell them as milk, or as butter, or as cheese. All the substances may not only in themselves be harmless which are mixed with dairy products, but after any chemical action brought about by their mixture, the resultant compound might even be helpful, yet such mixture ought not to be allowed to be sold as a pure dairy product.

In *People v. Girard*, 145 N. Y., 105, Judge Finch sums up the argument for the plaintiff.

In that case the statute prohibited the introduction of any coloring matter into vinegar, and the words in the following quotation, not in italics, have been inserted simply to substitute the words dairy products in place of the word vinegar where that word appears in the original opinion. We quote verbatim in italics:

It must also be assumed that the Legislature acted with knowledge of dairy products, of their appearance and the modes of their manufacture. Everybody is familiar with dairy products, for they go into all households. Their color and appearance are as well understood as their taste, but a dairy product has come upon the market containing a foreign substance called a preservative. It is said to be entirely healthy and a safe food product, and that may be granted. No law forbids its manufacture or sale. The markets of the State are open to it freely and without restraint, and the only prohibition is against the fraud of a false condition.

Purchasers had a natural preference for the old familiar article and were more or less averse to an experiment with the

new. The greed of profit, which has adulterated or disguised almost every article of food, has led to the device of preventing natural decay or decomposition by mixing and introducing into a dairy product a substance or chemical working its effect by producing a rigid cohesion of the molecules of the food. Although it is changed, the new product, nevertheless, has a natural appearance and deceives purchasers. They accept it, supposing it to be a pure dairy product in the condition of nature and prepared for human digestion as nature prepares it. It is offered to them under the name and guise, color and consistency of the real dairy product, and they take it and use it and feed it to their children, believing that the natural food is being assimilated by them. It masks the truth, it effects a disguise, it naturally deceives and is intended to deceive. The purchaser comes and asks for a pure, fresh dairy product. The seller gives him a preserved dairy product, an old, second-hand dairy product, kept by a "preservative" from actual odor and all those signs which indicate uncleanness, unwholesomeness and decay. It is apparent that the "preservative" was used for deception and to defraud the buyer. The Legislature had a right to forbid that device and to put a stop to the fraud, but how are they to do so? The Legislature might make the prohibition against a "preservative" for the reason that any tampering with food products which adds ingredients, not natural or essential, is fraught with danger to the public health or, at least, involves the intent and result of a fraud upon the community. Food should be pure, absolutely and unquestionably pure. No tricks should be played with it. The Legislature may resolutely protect it. No "preservative" could ever be added to a dairy product and the result sold as a dairy product for any good or honest purpose that I can imagine Counsel might say: "A dairy product might contain a harmless preservative changing the appearance of the dairy product so that no purchaser would take it for a dairy product, and yet this law is broad enough to forbid that, I grant it. The case is imaginary, but assume it to be real. The permission to any "preservative" opens the door to other preservatives and which might well be dan-

gerous to the public health. Must the Legislature wait for the experiment and until some number of people are made sick or die of it? In so serious a matter as the absolute purity of food, we ought not to say that a general law which simply compels that absolute purity is beyond the power of the Legislature. This is by no means the first time that the Legislature has acted by a general law in seeking to protect the public health and safety. Every general law may work harshly in a few particular instances. Adding a foreign or artificial ingredient to a food product, even for purposes of color merely, is in effect an adulteration, and whether it be so described or forbidden by more specific terms is not material.

The Legislature may and does legislate to prevent foreign substances being put into the feed of cows and into the milk drawn from the cows; to prevent animal fats, vegetable oils and coloring matter to be put into butter, cheese and milk. What distinction will the defendant urge in favor of his preservaline that makes it beyond the power of the Legislature to prevent his foreign substances being put into all dairy products. Is it because he selects as a name for his foreign substance a word which ordinarily means harmlessness and preservation.

“In so serious a matter as the absolute purity of food we ought not to say that a general law which simply compels that absolute purity is beyond the power of the Legislature.”—*People v. Girard* (supra).

POINT IV.

CASES INVOLVING POLICE POWER DISTINGUISHED AND APPLIED TO THE STATUTE IN THIS CASE.

1. Illustrations of legislation beyond police power:

In re Jacobs, 98 N. Y., 98. The law prohibiting the making of cigars in certain houses was unconstitutional because the law on its face showed that it was not intended to promote the public health, and would have no such result. It was class legislation to favor some in a given business over their competitors. The subject in this case is entirely and solely of food. It prefers no one food above another. It does not prohibit one

preservative and allow another preservative to be used. It is general legislation for the whole State.

In the case of *People v. Marx*, 99 N. Y., 377, the decision was entirely based upon the fact that the oleomargarine was not sold as butter, but was represented and offered for sale in the place of butter. In that case the court said there was testimony that oleomargarine was harmless. The opinion says:

"The General Term has interpreted the act to prohibit the sale of an artificial compound as genuine butter. If that is a correct interpretation of the act, we shall concur, but we do not so interpret the act. It is not to prevent the sale in imitation, but a sale to take the place of."

This statute in this case would not be against this defendant if they sold their dairy product containing their "harmless preservative" under a new name and in place of the real thing. If it is in fact a harmless preservative, no act could prevent a business in it in place of the real thing.

The case of *People v. Gilson*, 109 N. Y., 389, involved the statute making it a misdemeanor for any person to sell food and give away any other thing as a gift as part of the same transaction. The decision was entirely based on the view that the act complained of was "Evidently that kind which has been so frequent of late, the kind which is given to protect one class in the community against the fair, free and full competition of some other class."

The statute in that case had not the slightest tendency to prevent dealing in impure, unwholesome and adulterated food.

The case of *People ex rel. Tyroler v. Warden*, 157 N. Y., 116, was decided upon the same reason.

The statute against the business of cut rate ticket sellers was legislation in favor of one class against another in the community, and having no clear intent to protect either the public health nor indeed to prevent fraud.

2. Illustrations of valid exercise of police power:

In the *People ex rel. Nechamous v. Warden*, 144 N. Y., 529, the court held to be constitutional an act which required a man to

pass an examination and get a license before he could act as a master plumber. Sustaining that act as being within the police power, the court said that drainage and sewerage affect the public health, and that the act was intended to require capacity in those who were doing such work. The court did say in that case:

"I am not unwilling to state that the act skirts pretty closely that border line beyond which legislation ceased to be within the powers conferred by the people of the State through the constitution upon its legislative body."

In the Master Plumbers' Act, did the Legislature intend to guard the public health, and in this act for dairy products did the Legislature have no such intention?

So also the following statutes have been held to be within the police power:

The exclusion of citizens by reason of race and color from the equal enjoyment of any privilege furnished by owners of places of amusement is prohibited.—*People v. King* (supra).

Owners must furnish water at one or more places on each floor in tenement houses.—*Health Department v. Rector* (supra).

Barbers shall not work on Sunday, excepting in the city of New York and the village of Saratoga Springs. Laws of 1895, chapter 823.

It is a crime to exhibit a female child as a dancer or any theatrical exhibition. Penal Code, section 292.

It is a crime to charge for elevating grain in a price greater than that fixed by law. Laws of 1888, chapter 581.

If all these restraints be within the police power, what distinction makes it a gross usurpation of constitutional power to prevent the sale of dairy products containing foreign substances?

POINT V.

THE PRESUMPTION OF CONSTITUTIONALITY UNDER THE DECISIONS
CANNOT BE OVERCOME BY DEFENDANT.

"We are not unmindful that the power which courts possess to condemn acts should be exercised with great caution and even with reluctance."—*In Matter of Jacobs*, 98 N. Y., 98.

"Nothing but a clear violation of the constitution, an undoubted usurpation of power prohibited, will justify declaring an act of the legislative department null and void."—*People v. West*, 106 N. Y., 293; *People v. Kibler*, 106 N. Y., 321.

"It is an undoubted right of the Legislature to judge for itself of the character and extent of the danger which is shown to exist, and to apply the remedy by a definite rule of prohibition."—*People v. Girard*, 145 N. Y., 105.

"It is within the province of the Legislature to determine what laws are needed for the protection of the public, and so long as its measures are calculated and appropriate to accomplish that end its discretion may not be reviewed by the Courts."—*Colon v. Lisk*, 153 N. Y., 188.

"Courts should always assume that the Legislature intended by its enactment to promote those ends (the good of protecting the public health and of serving the public comfort and safety), and if the act admits of two constructions, that one should be given to it which sustains it and makes it applicable in furtherance of the public interests."—*People ex rel. Neehameus v. Warden*, 144 N. Y., 536.

"It has been frequently held and is acknowledged by all courts, that a statutory enactment will not be declared unconstitutional, and therefore void, unless a clear and substantial conflict exists between it and the constitution. It has been further held that every presumption is in favor of constitutionality; that the case must be practically free from doubt before an act of the Legislature should be declared unconstitutional."—*People v. Gillson*, 109 N. Y., 397.

"Statutes should be construed, if possible, so as to avoid absurdity and manifest injustice."

"They should receive such construction as to render them practicable, just and reasonably convenient."

"They should be construed to avoid, if possible, constitutional restrictions and understood in a sense within such limitations rather than in conflict with them.

"Where a public and beneficial purpose is evident the courts

will not substitute their judgment for that of the legislative body. The remedy must be found in an appeal to the legislative wisdom.”—*People v. Buffalo Fish Co.*, 164 N. Y., 97.

“A statute cannot be declared unconstitutional unless it can be shown beyond reasonable doubt that it is in conflict with some particular provision of the organic law, nor until every reasonable mode of reconciliation with the constitution has been resorted to, and reconciliation has been found impossible. The presumption of constitutionality attaches to every statute passed by the Legislature, and the burden of establishing its unconstitutionality rests upon and must be borne by the party asserting it.”—*People ex rel. Henderson v. Supervisors*, 147 N. Y., 1; *People ex rel. Tyroler v. Warden*, 157 N. Y., 149.

POINT VI.

The judgments of lower courts should be reversed, and judgment absolute be entered against defendant.

N. Y., October 29, 1901.

Respectfully submitted,

JOHN C. DAVIES,

Attorney-General, for

Plaintiff-Appellant.

Of Counsel,

SAMUEL S. SLATER,

JOHN C. DAVIES.

Regarding respondent's contention that section 37 gives only one relief and that a criminal prosecution and the contention that if two penalties are imposed it is against United States constitution and New York constitution as being twice in jeopardy, see *Matter of Sawyer*, 124 U. S., 219, held: Amendments to constitution apply to U. S. legislation only and to same effect *Spies v. Illinois*, 123 U. S., 131.

Matter of Leszyusky, 16 Blatchford 9, held: “Congress could pass act imposing a penalty of \$100 recovered civilly and also a punishment to be imposed criminally.”

People v. Meakim, 133 N. Y., 214, held: "It is well settled that the law may provide for the recovery in a civil action of a penalty and for a criminal proceeding also by indictment for same offense."

For cases on constitutionality involving police power, see also *Powell v. Commonwealth*, (?) U. S., (?); *Muzler v. Kansas*, 123 U. S., 623; *Laurton v. Steele*, 119 N. Y., 226 and 152 U. S., 133; *Schollenberger v. Pennsylvania*, 171, U. S., 1; 74 N. Y., 509; 120 N. Y., 628; 110 N. Y., 418; 117 N. Y., 1; 144 N. Y., 529; 149 N. Y., 195; 105 N. Y., 123; 106 N. Y., 293; 106 N. Y., 321; 113 U. S., 27.

The following are the brief and points of the defendants:

COURT OF APPEALS OF THE STATE OF NEW YORK.

The People of the State of New York, Appellant, against *John S. Biesecker*, Respondent, No. 728.

RESPONDENT'S BRIEF.

APPEAL FROM JUDGMENT AND ORDER OF THE APPELLATE DIVISION
FOR THE FIRST JUDICIAL DEPARTMENT UNANIMOUSLY AFFIRM-
ING FINAL JUDGMENT SUSTAINING DEMURRER TO AMENDED
COMPLAINT ENTERED ON DECISION OF MR. JUSTICE BISCHOFF
AT SPECIAL TERM.

STATEMENT.

This is the first of a large number of actions brought throughout the State to recover \$100 penalty which it is claimed has been incurred by various defendants through alleged violation of section 27 of the Agricultural Law as amended by chapter 534 of the Laws of 1900.

The only provision of the law which it is claimed has been violated is as follows, being a portion of section 27, as amended by chapter 534 of the Laws of 1900:

"No person shall sell, offer or expose for sale, any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk. No person or persons, firm, association or cor-

poration shall induce or attempt to induce any person or persons to violate any of the provisions of the Agricultural Law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the Agricultural Law shall be guilty of a violation of this act."

The penalty for the violation of the above-quoted section is prescribed by section 37 of the Agricultural Law, which at the date of the alleged violation and at the commencement of this action read, as amended by chapter 435 of the Laws of 1899, is as follows:

"Every person violating any of the provisions of articles two and three and sections ninety-one and ninety-two of the Agricultural Law and chapter four hundred and ninety-one of the Laws of eighteen hundred and ninety-eight, shall forfeit to the People of the State of New York a sum not less than twenty-five dollars nor more than one hundred dollars for every such violation."

Aside from the provisions of section 27 as amended by chapter 534 of the Laws of 1900, it will be conceded that there is no provision of law under which it can be claimed that the complaint states facts sufficient to constitute a cause of action.

By this demurrer the defendant presents the contention that section 27 of the Agricultural Law, as amended by chapter 534 of the Laws of 1900, in so far as it prohibits the use, manufacture and sale of all preservatives, is unconstitutional.

This statute on its face prohibits the use of ice in butter or vichy in milk. It forbids the manufacture and sale of such well-known products as "matzoon," "kumyss," and "zoolak," the much-advertised "Sparklets," which produce aerated milk, and numerous other products of a similar character. Even the sale of a "milk punch" is within the inhibition of the statute. Not only is the use of these products prohibited and made subject to a penalty to be recovered in a civil action, but by another clause of the Agricultural Law it is made a misdemeanor and punishable criminally.—Agricultural Law, § 37, as amended by L. 1899, Ch. 435.

Mr. Justice Bischoff at Special Term declared the section 27 of the Agricultural Law unconstitutional and accordingly sustained the demurrer.

His opinion (fols. 25, et seq.), contains a clear exposition of the law.

The plaintiff appealed from the judgment entered upon Mr. Justice Bischoff's decision to the Appellate Division for the First Judicial Department, which unanimously affirmed the judgment below. Mr. Justice McLaughlin's opinion (fols. 49 et seq.), adopted by entire court, contains an exhaustive review of the law. The plaintiff now appeals to this court from the judgment and order of affirmance of the Appellate Division.

Upon this appeal the defendant raises not only the contention that that portion of section 27 of the Agricultural Law which was added by chapter 534 of the Laws of 1900, is unconstitutional, but also the contention that section 37 of the Agricultural Law, which fixes the penalty for a violation of this and of other sections of the Agricultural Law, does not authorize any civil action, but merely a criminal one. The latter point has never been raised in any of the courts in this State, and as it is of importance, because of the large number of actions pending under this and other clauses of the Agricultural Law, we earnestly request the court to pass upon it.

FIRST POINT.

THE COMPLAINT DOES NOT STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION BECAUSE SECTION 27 OF THE AGRICULTURAL LAW IS UNCONSTITUTIONAL.

It is not charged that the defendant sold or offered for sale any butter or dairy product containing a preservative, but it is alleged that the defendant sold a substance or a matter called "Preservaline," which was declared and advertised by him to be a preservative of butter or other dairy products and which is a preservative of butter or dairy products. And it is further alleged that the defendant advertised and offered it for sale with

intent that the purchaser should mix it with natural milk or cream and other dairy products.

In the amended complaint it is not asserted that the product so advertised is harmful or injurious to public health or contains any poisonous or deleterious substances; that is not a mere oversight, but an intentional omission, inasmuch as the article "Preservaline" has been dealt in and used for upwards of twenty years with beneficial results. It is a matter of common knowledge that such preservatives as ice, carbonic acid gas, sugar, salt, borax and boracic acid are in daily use; the use of these articles or even of ice in butter or the combination of vichy and milk is within the prohibition of this statute. So are the well known products "Matzoon," "Kumyss" and "Zoolak," and the much-advertised "Sparklets," which produce aerated milk. Equally prohibited is the sale of a "milk punch" or an oyster stew.

Accordingly, the question here presented is, whether or not the Legislature has the right to so amend the Agricultural Law as to prohibit any one from "selling, offering or advertising for sale" any preservative whatsoever, as the act makes no distinction between preservatives which may be harmful and preservatives which, as in the present instance, are beneficial.

It is not claimed in the complaint that the defendant induced or attempted to induce any person to violate the provisions of the Agricultural Law, the allegation being merely that it was sold with "intent and recommendation" that the purchaser should mix the Preservaline with dairy products and then sell it. Whatever may have been the intent or recommendation of the defendant, neither could be held to be an inducement nor an attempt to induce another person to violate the law.—*Strong v. Stebbins*, 5 Cowen, 210.

The act under consideration violates the Constitution of the United States as well as the Constitution of the State of New York.

The fifth amendment to the United States Constitution provides as follows:

"No person shall be held to answer for a capital or otherwise infamous crime * * * nor be deprived of life, liberty or property without due process of law. * * *"

The fourteenth amendment to the United States Constitution contains a similar prohibition against State legislation.

Article I, section 6 of the New York State Constitution provides among other things:

"No person shall be subject to be twice put in jeopardy for the same offence * * * nor be deprived of life, liberty or property without due process of law. * * *"

At the outset it should be noted that this act is entitled "An act to amend the Agricultural Law relative to violations thereof," and that the Agricultural Law is entitled "An act in relation to agriculture;" this act forms no part of the Public Health Law, and the purpose of the act as discernible from its title, is to affect agriculture.

The act in question deprives persons of their "life, liberty and property without due process of law" within the meaning of the constitutional provision.

In matter of application of *Jacobs*, 98 N. Y., 98, these provisions were considered by the Court of Appeals. In that case the act under consideration prohibited the manufacture of cigars and preparations of tobacco in certain tenement houses. Earl, J., delivering the unanimous opinion of the court, said (p. 104):

"What does this act attempt to do? In form it makes it a crime of a cigarmaker in New York and Brooklyn, the only cities in the State having a population exceeding 500,000, to carry on a perfectly lawful trade in his own home. Whether he owns the tenement house or has hired a room therein for the purpose of prosecuting his trade, he cannot manufacture therein his own tobacco into cigars for his own use or for sale, and he will become a criminal for doing that which is perfectly lawful outside of the two cities named—everywhere else, so far as we are able to learn, in the whole world. * * *

(P. 105.) It is, therefore, plain that this law interferes with the profitable and free use of his property by the owner or

lessee of a tenement house who is a cigarmaker, and trammels him in the application of his industry and the disposition of his labor, and thus, in a strictly legitimate sense, it arbitrarily deprives him of his property and of some portion of his personal liberty.

The constitutional guaranty that no person shall be deprived of his property without due process of law may be violated without the physical taking of property for public or private use. Property may be destroyed, or its value may be annihilated; it is owned and kept for some useful purpose, and it has no value unless it can be used. Its capability for enjoyment and adaptability to some use are essential characteristics and attributes without which property cannot be conceived; and hence any law which destroys it or its value, or takes away any of its essential attributes, deprives the owner of his property.

* * *

(P. 106.) So, too, one may be deprived of his liberty and his constitutional rights thereto violated without the actual imprisonment or restraint of his person. Liberty, in its broad sense, as understood in this country, means the right, not only of freedom from actual servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or avocation. All laws, therefore, which impair or trammel these rights, which limit one in his choice of a trade or profession, or confine him to work or live in a specified locality, or exclude him from his own house, or restrain his otherwise lawful movement (except as such laws may be passed in the exercise of the legislature of the police power, which will be noticed later), are infringements upon his fundamental rights of liberty, which are under constitutional protection. In *Butchers' Union Company v. Crescent City Co.* (111 U. S., 746), Field, J., says: "That among the inalienable rights as proclaimed in the Declaration of Independence 'is the right of men who pursue any lawful business or vocation in any manner not inconsistent with the

equal rights of others which may increase their property or develop their faculties, so as to give them their highest enjoyment. The common business and callings of life, the ordinary trades and pursuits which are innocent in themselves, and have been followed in all communities from time immemorial, must, therefore, be free in this country to all alike upon the same terms. The right to pursue them without let or hindrance, except that which is applied to all persons of the same age, sex and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthright.' In the same case Bradley, J., says: 'I hold that the liberty of pursuit, the right to follow any of the ordinary callings of life, is one of the privileges of a citizen of the United States,' of which he cannot be deprived without invading his right to liberty within the meaning of the Constitution. In *Live Stock, etc., Association v. Crescent City, etc., Company* (1 Abb. U. S., 388, 398), the learned presiding justice says: 'There is no more sacred right of citizenship than the right to pursue unmolested a lawful employment in a lawful manner. It is nothing more or less than the sacred right of labor.' In *Wynehamer v. People*, Johnson, J., says: 'That a law which should make it a crime for men either to live in, or rent or sell their houses,' would violate the constitutional guaranty of personal liberty. In *Bertholf v. O'Reilly* (74 N. Y., 509, 515), Andrews, J., says: That one could 'be deprived of his liberty in a constitutional sense without putting his person in confinement,' and that a man's right to liberty included 'the right to exercise his faculties and to follow a lawful avocation for the support of life.'"

The court then proceeds to examine the question whether the law under consideration could be sustained as an exercise of the police power and as a health law, and states:

(P. 107.) "But the claim is made that the Legislature could pass this act in the exercise of the police power which every sovereign State possesses. That power is very broad and comprehensive, and is exercised to promote the health, comfort,

safety and welfare of society. Its exercise in extreme cases is frequently justified by the maxim *salus populi suprema lex est*. It is used to regulate the use of property by enforcing the maxim *sic utere tuo, ut alienum non laedas*. Under it the conduct of an individual and the use of property may be regulated so as to interfere, to some extent, with the freedom of the one and the enjoyment of the other; and in cases of great emergency engendering overruling necessity, property may be taken or destroyed without compensation, and without what is commonly called due process of law. The limit of the power cannot be accurately defined, and the courts have not been able or willing definitely to circumscribe it. But the power however broad and extensive, is not above the Constitution. When it speaks, its voice must be heeded. It furnishes the supreme law, the guide for the conduct of legislators, judges and private persons, and so far as it imposes restraints, the police power must be exercised in subordination thereto."

After citing numerous authorities, the court continues:

(P. 110.) "These citations are sufficient to show that the police power is not without limitations, and that in its exercise the legislature must respect the great fundamental rights guaranteed by the Constitution. If this were otherwise, the power of the legislature would be practically without limitation. In the assumed exercise of the police power in the interest of the health, the welfare or the safety of the public, every right of the citizen might be invaded and every constitutional barrier swept away.

"Generally it is for the legislature to determine what laws and regulations are needed to protect the public health and secure the public comfort and safety, and while its measures are calculated, intended, convenient and appropriate to accomplish these ends, the exercise of its discretion is not subject to review by the courts. But they must have some relation to these ends. Under the mere guise of police regulations, personal rights and private property cannot be arbitrarily invaded, and the determination of the legislature is not final or conclusive.

If it passes an act ostensibly for the public health, and thereby destroys or takes away the property of a citizen, or interferes with his personal liberty, then it is for the courts to scrutinize the act and see whether it really relates and is convenient and appropriate to promote the public health. It matters not that the legislature may in the title to the act, or in its body, declare that it is intended for the improvement of the public health. Such a declaration does not conclude the courts, and they must yet determine the fact declared and enforce the supreme law."

In conclusion the court lays down this clear statement and rule (p. 115):

"When a health law is challenged in the courts as unconstitutional on the ground that it arbitrarily interferes with personal liberty and private property without due process of law, the courts must be able to see that it has at least, in fact, some relation to the public health, that the public health is the end actually aimed at, and that it is appropriate and adapted to that end. This we have not been able to see in this law, and we must, therefore, pronounce it unconstitutional and void. In reaching this conclusion we have not been unmindful that the power which courts possess to condemn legislative acts which are in conflict with the supreme law should be exercised with great caution and even with reluctance. But as said by Chancellor Kent (1 Com. 450): 'It is only by the free exercise of this power that courts of justice are enabled to repel assaults and to protect every part of the government and every member of the community from undue and destructive innovations upon their charter rights.'"

It is thus apparent:

First.—That the right to prevent any one from pursuing a hitherto lawful calling, such as in this case, the manufacture and sale of preservatives, exists only where the Legislature declares that such right is exercised as a measure to preserve the public health. The act under consideration is not an amendment of the Health Law, but an amendment of the Agricultural Law. It does not purport to prohibit merely deleterious pre-

servatives, but to prohibit the use and sale of preservatives of every character and description.

Second.—That even if the Legislature, under the guise of a health law, attempts to interfere with personal liberty and the exercise of a lawful calling, the act by which it attempts to do so cannot be sustained as constitutional unless it is apparent on the face thereof that it has relation to the public health, and that the provisions of the act are appropriate and adapted to that end. Even if it were claimed in the case at bar that the act under consideration was intended as a health measure, it is very clear that its provisions are not appropriate and adapted to that end, and that the act under question does not actually aim at benefiting the public health. The prohibition of the sale of beneficial preservatives which have been in use for many years in this State, cannot in any way benefit the public health. On the contrary, such prohibition is apt to be a detriment to the public.

Aside from the common knowledge that most, if not all, preservatives are harmless (the statute itself enumerates sugar and salt), the term “preservative,” itself, signifies something having a preserving quality and beneficial effect; preservation is the antithesis of decay.

The Century Dictionary defines “preservative” as follows:

“That which preserves; anything which tends to keep safe and sound, or free from injury, corruption or decay; a preventive of damage, decomposition or waste.”

The Standard Dictionary gives this definition:

“That which keeps safe or tends to preserve; that which has power to keep safe or sound; a safeguard.”

Bonvier’s Law Dictionary (1897 edition) defines “preservation” as follows (vol. 2, p. 733):

“Keeping safe from harm; avoiding injury. This term always presupposes a real or existing danger.”

In the best literature the term “preservative” has always been given the same meaning.

In the “House of the Seven Gables,” IX, Hawthorne says:

“This facile adaptation was at once the symptom of perfect health and its best preservative.”

Lord Bacon wrote:

“It hath been anciently in use to wear tablets of arsenic as preservatives against the plague.”

The statute itself declares salt, spirituous liquors and sugar to be preservatives.

It permits the use of salt in butter, but prohibits it in milk.

It permits the use of sugar in milk, but prohibits it in butter.

It permits the use of spirituous liquor in fancy cheese, but prohibits it in plain cheese, milk or butter.

The statute further provides that butter may not be preserved except by salt, cheese except by liquor, condensed milk except by sugar. It prohibits the use of all preservatives which may be more wholesome, inexpensive and readily available.

A somewhat similar statute prohibiting the sale of articles of food was declared unconstitutional by the Court of Appeals in *People v. Gillson*, 109 N. Y., 389.

The statute under consideration in that case prohibited the sale of any article of food or offer or attempt to sell the same upon any representation or inducement that anything else can be delivered as a prize, gift or premium to the purchaser. The unanimous opinion of the Court of Appeals by Peckham, J., contains the following language (fols. 398-400):

“At the same time it must be remembered that the Constitution is the supreme law of the land, and that when an act of the Legislature properly comes before the court to be compared by it with the fundamental law, it is the duty of the court to declare the invalidity of the act if it violate any provision of that law.

The defendant here appeals for his protection to the clause, among others, in the Constitution which provides that no person shall be deprived of life, liberty or property without due process of law. The meaning of this provision in our State Constitution has frequently been the subject of judicial investigation, and this court has had occasion, very recently, to discuss

it in quite a number of cases, and a further elaboration is not needed.

The following propositions are firmly established and recognized: a person living under our Constitution has the right to adopt and follow such lawful industrial pursuit, not injurious to the community, as he may see fit. The term 'liberty' as used in the Constitution is not dwarfed into mere freedom from physical restraint of the person of the citizen as by incarceration, but is deemed to embrace the right of man to be free in the enjoyment of the faculties with which he has been endowed by his Creator, subject only to such restraints as are necessary for the common welfare. Liberty, in its broad sense, as understood in this country, means the right not only of freedom from servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways to live and work where he will, to earn his livelihood in any lawful calling and to pursue any lawful trade or avocation. These principles are contained and stated in the above language in various cases, among which are *Live Stock Association v. Crescent City, etc., Co.* (1 Abb. U. S., 388, 398); *Slaughter House Cases* (16 Wall., 36, 106); *Matter of Jacobs* (98 N. Y., 98); *Bertholf v. O'Reilly* (74 id., 509); *People v. Marx* (99 id., 377).

It is quite clear that some or all of these fundamental and valuable rights are invaded, weakened, limited or destroyed by the legislation under consideration. It is evidently of that kind which has been so frequent of late, a kind which is meant to protect some class in the community against the fair, free and full competition of some other class, the members of the former class thinking it impossible to hold their own against such competition, and, therefore, flying to the legislature to secure some enactment which shall operate favorably to them or unfavorably to their competitors in the commercial, agricultural, manufacturing or producing field. By the provisions of this act a man owning articles of food which he wished to sell or dispose of is limited in his powers of sale or disposition. A liberty to adopt or follow for a livelihood a lawful industrial

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pursuit, and in a manner not injurious to the community, is certainly infringed upon, limited, perhaps weakened or destroyed by such legislation. It is certainly lawful to sell (as in this instance) coffee. It is an article of food, and is now almost one of the necessities of life to a large number of people. A person engaged as a retailer of coffee might very well think that he could greatly enlarge the amount of his trade by doing precisely what was done by the defendant in this case, and that while his profits on the same amount of coffee sold would be smaller than if he gave no present, yet by the growth of his trade his income at the end of the year would be more than by the old method. This statute, if valid, steps in to prevent his adopting such a course, to procure trade and from it to secure an income and livelihood for himself and family. He is thus restrained in the free enjoyment of his faculties, which he ought to have the right and liberty to use in the way of creating or adopting plans for the increase and growth of his trade, business or occupation, unless such restraint is necessary for the common welfare. This law interferes with the free sale of food, for the condition is imposed that no one shall sell food and at the same time, and as part of the transaction, give away any other thing. It is not material if by reason of the prohibition the owner's sales of food are greatly cut down and his ability to support his family thereby, perhaps, largely decreased. If the law is valid, the fact of its existence is a complete answer to the complaints of the owner of food that his liberty to sell his property and his chance to make a livelihood are very greatly impaired.

It cannot be truthfully maintained that this legislation does not seriously infringe upon the liberty of the owner or dealer in food products to pursue a lawful calling in a proper manner, or that it does not, to some extent at least, deprive a person of his property by curtailing his power of sale, and unless this infringement and deprivation are reasonably necessary for the common welfare, or may be said to fairly tend in that direction

or to that result, the legislation is invalid as plainly violative of the constitutional provision under discussion."

The court then considers the question of the validity of the act as the exercise of the police power and of the health provision, and states that the law upon this subject is settled conclusively by *In re Jacobs, supra*, and *People v. Marx*, 99 N. Y., 377, hereafter to be discussed.

The case most similar to the one at bar is that of *People v. Marx*, 99 N. Y., 377.

The act under consideration in that case provided as follows:

"§ 6. No person shall manufacture out of any oleaginous substances, or any compound of the same, other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese, produced from pure unadulterated milk or cream of the same, or shall sell or offer to sell the same as an article of food. This provision shall not apply to pure skim milk cheese produced from pure skim milk."

A violation of the above section subjected the violator, under the provisions of the act, to a penalty. It was held (p. 377) that the act was unconstitutional, "inasmuch as the prohibition is not limited to unwholesome or simulated substitutes, but absolutely prohibits the manufacture or sale of any compound designed to be used as a substitute for butter or cheese, however wholesome, valuable or cheap it may be, and however openly and fairly the character of the substitute may be avowed and published."

The court, after stating (p. 383) that the act by its terms was "Broad enough in its terms to embrace not only oleomargarine, but any other compound, however wholesome, valuable or cheap, which has been or may be discovered or devised for the purpose of being used as a substitute for butter," continued in the course of its opinion (pp. 385-389):

"It appears to us quite clear that the object and effect of the enactment under consideration were not to supplement the existing provisions against fraud and deception by means of

imitations of dairy butter, but to take a further and bolder step, and by absolutely prohibiting the manufacture or sale of any article which could be used as a substitute for it, however openly and fairly the character of the substitute might be avowed and published, to drive the substituted article from the market, and protect those engaged in the manufacture of dairy products, against the competition of cheaper substances, capable of being applied to the same uses, as articles of food.

The learned counsel for the respondent frankly meets this view, and claims in his points as he did orally upon the argument, that even if it were certain that the sole object of the enactment was to protect the dairy industry in this State against the substitution of a cheaper article made from cheaper materials, this would not be beyond the power of the legislature. This we think is the real question presented in the case. Conceding that the only limits upon the legislative power of the State are those imposed by the State Constitution and that of the United States, we are called upon to determine whether or not those limits are transgressed by an enactment of this description. These limitations upon legislative power are necessarily very general in their terms, but are at the same time very comprehensive. The Constitution of the State provides (article I, section 1), that no member of this State shall be disfranchised, or deprived of any of the rights and privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. Section 6 of article 1 provides that no person shall be deprived of life, liberty or property without due process of law. And the fourteenth amendment to the Constitution of the United States provided that 'no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.' These constitutional safeguards have been so thoroughly discussed in recent cases that it would be superfluous to do more than refer to the conclusions

which have been reached bearing upon the question now under consideration.

Among these, no proposition is now more firmly settled than that it is one of the fundamental rights and privileges of every American citizen to adopt and follow such lawful industrial pursuit, not injurious to the community as he may see fit (*Live Stock Ass'n v. The Crescent City, etc.*, 1 Abb. U. S., 398; *Slaughter House Cases*, 16 Wall., 106; *Corfield v. Coryell*, 4 Wash. C. C., 380; *Matter of Jacobs*, 98 N. Y. 98). The term 'liberty,' as protected by the Constitution, is not cramped into a mere freedom from physical restraint of the person of the citizen, as by incarceration, but is deemed to embrace the right of man to be free in the enjoyment of the faculties with which he has been endowed by his Creator, subject only to such restraints as are necessary for the common welfare. In the language of Andrew, J., in *Bertholf v. O'Reilly* (74 N. Y., 515), the right to liberty embraces the right of man 'to exercise his faculties and to follow a lawful avocation for the support of life,' and as expressed by Earl, J., *In re Jacobs*, 'one may be deprived of his liberty, and his constitutional right thereto violated, without the actual restraint of his person. Liberty in its broad sense, as understood in this country, means the right not only of freedom from servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or avocation.'

Who will have the temerity to say that these constitutional principles are not violated by an enactment which absolutely prohibits an important branch of industry for the sole reason that it competes with another, and may reduce the price of an article of food for the human race.

Measures of this kind are dangerous even to their promoters. If the argument of the respondent in support of the absolute power of the legislature to prohibit one branch of the industry for the purpose of protecting another with which it competes can be sustained, why could not the oleomargarine manufac-

turers, should they obtain sufficient power to influence or control the legislative councils, prohibit the manufacture or sale of dairy products? Would arguments then be found wanting to demonstrate the invalidity under the Constitution of such an act? The principle is the same in both cases. The numbers engaged upon each side of the controversy cannot influence the question here. Equal rights to all are what are intended to be secured by the establishment of constitutional limits to legislative power, and impartial tribunals to enforce them.

Illustrations might be indefinitely multiplied of the evils which would result from legislation which should exclude one class of citizens from industries, lawful in other respects, in order to protect another class against competition. We cannot doubt that such legislation is violative of the letter, as well as of the spirit of the constitutional provisions before referred to, nor that such is the character of the enactment under which the appellant was convicted."

So in the case at bar, as the statute does not by its language purport to prohibit merely unwholesome preservatives, but preservatives of every character, however beneficial or wholesome, it is clearly violative of the provisions of the Constitution. The Legislature has no right to prohibit this defendant from exercising the lawful calling of manufacturing or selling preservatives, a business in which thousands have been engaged for years past. It has no right to prohibit the manufacture or use of ice to preserve dairy products, nor the sale of vichy and milk, "Matzoon," "Kumyss," "Sparklets" or even a milk punch.

All of the above cases have recently been followed, and the policy of the law once more strongly asserted in the recent case of *People ex rel. Tyroler v. Warden*, 157 N. Y., 116, where the court held, through Chief Justice Parker, that the Legislature has no right to prohibit parties from engaging in the business of ticket scalping in which they had hitherto been lawfully engaged. The chief justice states (p. 132):

"If the law were otherwise no trade, business or profession could escape destruction at the hands of the Legislature if a

situation should arise that would stimulate it to exercise its power, for in every field of endeavor can be found men that seek profit by fraudulent processes."

If the Legislature may lawfully prohibit the manufacture and sale of wholesome preservatives it may equally prohibit the manufacture or sale of shoes, clothes or any articles of commerce or food whatever.

In *Dorsey v. State of Texas*, 38 Texas Criminal Reports, 527, 40 L. R. A., 201, the court held:

"The mixing or mingling of articles of food which are wholesome and nutritious, and the sale thereof, cannot be made criminal by the Legislature."

In *Helena v. Dwyer* (Ark.), 39 Lawyers' Reports, Annotated, 266, the court held that

"an ordinance making it unlawful to sell fresh pork or sausage made thereof between June 1st and October is unreasonable and void, since it violates the inalienable right of man to procure food."

In deciding the case the court used this language, p. 268:

"Fresh pork is an article of food for general consumption, and when sound, and free from disease, is useful and nutritious. Like all other food, it may become unwholesome when eaten to excess. The quantity eaten, under ordinary circumstances, produces the sickness when it proves unwholesome. Any food is calculated to produce that effect when eaten in the same manner. The mere sale of it is not detrimental to the public health. The fact that individuals may be made sick by it when imprudently eaten does not justify a city council in prohibiting the sale of it. For the same reason it could prohibit the sale of any or all other food. The most delicious food—that which is most liable to be eaten to excess—would be subject to interdiction. If it be conceded that the city council may prohibit the sale of any article of food, the wrongful use of which will or may injure the health of the consumer, then they can prescribe what the citizen of the city shall eat by prohibiting the sale of all other food. The Legislature or any of its creatures has no such power.

The exercise of such power, as we have seen, would be a violation of the inalienable right of man to procure healthy and nutritious food, by which life may be preserved and enjoyed. It would be an interference with the liberty of the citizen, which is not necessary to the protection of others or the public health—would be an invasion of his personal rights.”

In *People ex rel. Moxley v. Pease*, 30 Chicago Legal News, 277, the Superior Court held:

“The Legislature may make laws for the protection of the public health, good order, good morals and the safety of society, and may pass any reasonable regulations for the manufacture and sale of both butter and butterine, but it was not the right or power to pass unreasonable or unjust regulations or prohibitory laws as to either. It cannot prohibit the manufacture or sale of wholesome or nutritious articles of food either directly or under the guise of regulatory acts. Wherever it appears in the act itself or *aliunde* that the object, purpose, or intent of the act is to prohibit the manufacture or sale of wholesome articles of food and not to regulate their manufacture or sale in the interest of the public, we hold the act in question to be invalid.”

In *People of the State of New York v. Buffalo Fish Company*, 30 Misc., 130, an action was brought to recover penalties under provisions of the Fisheries, Game and Forest Laws. Upon demurrer the constitutionality of that act was raised. The act under question made it a misdemeanor for any person to possess, and imposed a penalty for possessing, during certain seasons of the year, any of certain fresh water fish. It was held at Special Term to be unconstitutional as it was not limited to fish in a decayed or injurious physical condition. The court said, among other things, page 138:

“It is conceded, of course, that if these fish were diseased, or had remained exposed to the elements until they were unfit for food, and constituted a menace to the public health, the State would have the right to interpose its police powers, and prevent the sale.”

The Appellate Division in affirming this case adopted the

opinion of Judge Lambert at Special Term as its own (45 App. Div., 631), and this case has since been affirmed by the Court of Appeals, 164 N. Y., 93.

The authorities relied upon by plaintiff are not in point.

In the court below plaintiff relied upon the cases of *People v. Cipperly*, 101 N. Y., 634, 37 Hun, 324, and *People v. Girard*, 145 N. Y., 105.

These cases are very clearly distinguishable, as is pointed out in the opinion of the learned justice at Special Term (fols. 30 to 35) and in the opinion of the learned Appellate Division (fols. 57 *et seq.*).

The statute in question is not necessary to prevent adulteration or the introduction of unwholesome or harmful matter into dairy products, as these are already prohibited by a different statute.

Section 22 of the Agricultural Law (last amended by chapter 101 of the Laws of 1900), provides as follows:

“Prohibition of the sale of adulterated milk.—No person shall sell or exchange, or offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated, or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored, or unwholesome cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream or manufacture, from any such milk or cream any article of food.”

This statute is certainly sufficient to protect the health of the public, and the Attorney-General has instituted a large number of proceedings for alleged violation of this statute by the introduction into dairy products of preservatives which were claimed by him to be harmful. If the preservative used by the defendant in the case at bar were harmful, he could be proceeded against for violation of the provisions of section 22 of the Agricultural Law, under which an issue of fact would be raised whether the preservative used by defendant as a matter of fact is harmful or not.

See *People v. Hills*, App. Div. 4th Dept., decision rendered October, 1901.

In view of the existence of a provision of law prohibiting adulteration and the introduction of unwholesome or adulterated substances into food and dairy products, it cannot be claimed that the statute under consideration in the case at bar was intended or necessary to prevent adulteration.

Accordingly, it is respectfully submitted that the complaint does not state facts sufficient to constitute a cause of action, because section 27 of the Agricultural Law, in so far as it prohibits the use of preservatives, is unconstitutional.

IN ANSWER TO APPELLANT'S BRIEF.

There are but few portions of the appellant's brief which call for any answer or remark from respondent. These few will now be considered.

(a.) On pages 11 and 12 the plaintiff's counsel going entirely outside of anything on the record, makes the astounding assertion that all preservatives are harmful, and that the particular preservative sold by the defendant contains formaldehyde, "which is the chief element in the embalming liquid used by undertakers." The resort to this entirely unworthy clap-trap and specious artifice will not assist plaintiff.

As matter of fact, plaintiff's counsel knows very well that these statements are absolutely false and without foundation. He knows that Dr. Geisler, the chief expert chemist of the Department of Agriculture, who has had more to do with the examination of dairy products than any one connected with the Department of Agriculture, has testified in open court that formaldehyde, if inserted in dairy products, would not in the least be harmful. Dr. Geisler's testimony to this effect was given in the case of *Graeff* against *Wormser*, tried in the Supreme court, Kings county, before Justice Dickey.

The counsel further knows that "Preservaline" has been examined and tested by a large number of scientists and by the boards of health of various cities in the Union and of foreign countries, and that all who have examined it have been uniform in its praise; among others, may be mentioned Dr. Randall,

health officer, Augusta, Maine, whose report is most laudatory; so is the report made in Kansas City, October, 1899, by Drs. Froehling, Kuhn and Moechel, based upon minute physiological tests with a large number of patients who had taken milk containing "Preservaline." The most eminent scientists of England and Germany have also reported that the use of formaldehyde or of "Preservaline" in dairy products far from being harmful, was, on the contrary, extremely beneficial. Indeed, "Preservaline," for the sale of which the defendant is being prosecuted, has been in general use since 1877, when it was first introduced, and during that time it has uniformly increased the health and comfort of the community which used it.

At any rate the court cannot take any judicial notice of statements such as made on pages 11 and 12 of the appellate's brief, which are not contained in the complaint, and for which no other sanction is offered than the bald assertion of counsel for appellant, who, while not a chemist or physician, was a member of the Legislature that enacted the law which the Special Term and unanimous Appellate Division have declared to be unconstitutional.

(b.) The appellant states that (Brief, p. 13) we would have the statute read: "No person shall sell any dairy product containing a harmful preservative." Why should he object to such a statute? A similar one is in force in this State, and has been for a large number of years, to wit: Section 22 of the Agricultural Law. This section prohibits the sale of any unclean, impure, unhealthy, adulterated or unwholesome milk or cream. If the product sold by the defendant be unwholesome, or if milk containing it be injurious, he can be prosecuted under this section of the law. It may be well to add for the information of the court that a number of actions have been brought by the State under this section to recover penalties for the use of "preservaline," but in no instance has any jury found that "preservaline" was unwholesome or harmful.

(c.) With regard to the case of *People v. Cipperly*, 37 Hun. 321 (101 N. Y., 634), we have discussed it in another portion of our

brief, and it is fully discussed in the opinions of the Special Term and the Appellate Division. The reference to that portion of section 13 of the old law cited, on the middle of page 16 of the appellant's brief as having been passed upon by the court in the Cipperly case, is entirely misleading. The court never passed on that portion of the law at all, but only upon the portion cited on page 15 of the appellant's brief.

(d.) The fact that section 36 of the Agricultural Law, which was enacted long prior to the act under consideration herein, states that every section of the Agricultural Law was enacted to prevent deception and for preserving the public health, upon which apparently some stress is laid at pages 7 and 18 of the appellant's brief, is not conclusive upon the question whether as a matter of fact section 27 is a health law and enacted to prevent fraud. On the contrary, the court must determine that from the statute itself, and no mere say-so of the Legislature in another portion of the law enacted prior to section 27 can relieve the court from this duty.

(e.) The argument that this statute was enacted to prevent fraud is entirely without force. The appellant concedes that the statute cannot constitutionally prohibit the sale of matzoon, sparklets, kumyss and other substances (Appellant's Brief, pages 18-19), but seems to contend that the act does prohibit merely the sale of milk containing a preservative "as milk," and apparently he seeks to convince the court that the defendant sold this preservative with the intention that the purchaser should mix it with milk and sell the mixture "as milk." Such an argument is its own refutation. The defendant does not care under what name the purchaser from him sells "preservative" or milk containing "preservative." He does not care whether it is sold under the name of kumyss or any other name. All he cares about is to sell "preservative."

Under the appellant's own reasoning the judgment must be affirmed because the complaint fails to allege that the defendant intended the purchaser to mix the preservative with milk and to sell it "as milk." *Non constat*, but that he intended the pur-

chaser to sell it as kumyss, and under the plaintiff's own admission (pages 18-19), such a sale could not be constitutionally prohibited.

SECOND POINT.

THE COMPLAINT DOES NOT STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION, BECAUSE SECTION 37 OF THE AGRICULTURAL LAW, WHICH PRESCRIBES THE PENALTY FOR VIOLATION, IF CAPABLE OF CONSTRUCTION AT ALL, MUST BE CONSTRUED TO AUTHORIZE A CRIMINAL BUT NOT A CIVIL ACTION.

The Agricultural Law is divided into six articles, the first of which is entitled "General Provisions," and contains sections 1 to 12; the second is entitled "Dairy Products," and contains sections 20 to 37; the third is entitled "Adulterated Vinegar" and contains sections 50 to 53, and the other articles are respectively entitled "Diseases of Domestic Animals," "Miscellaneous Provisions" and "Laws Repealed."

Section 37 of article II as originally enacted (L. 1893, ch. 338) provided as follows:

"Every person violating any of the provisions of this article shall forfeit to The People of the State of New York the sum of \$100 for every such violation."

There was no provision making a violation of these provisions punishable as a misdemeanor.

It will be noticed that at this time the penalty was made uniform for each violation.

At the end of article III there was a similar provision (section 53), fixing penalties for violations of provisions of that article and there was a similar one in article IV (section 66).

Section 37 of the Agricultural Law remained unchanged until 1897, when it was amended by chapter 554 of the laws of that year. This act entirely changed the law.

It amended section 37 to read as follows:

"Every person violating any of the provisions of this article shall forfeit to the People of the State of New York the sum of not exceeding one hundred dollars for every such violation."

The section then went on to state that when the violation consisted of the manufacture or production, every day should be deemed a separate violation of the provisions of the article, and there was a similar provision where the violation consisted of the sale, or offering or exposing for sale. At the end of the same section this provision was added:

“Whoever by himself or another violates any of the provisions of article two of said chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months or by both such fine and imprisonment, for the first offense; and by six months’ imprisonment for the second offense.”

Both of the above quoted clauses merely govern violations of article II and for the first time in any portion of the Agricultural Law was there a provision inserted making violation of that law a criminal offense.

What was the intention of the Legislature? Was it to make a single violation punishable by both a civil and a criminal action? Was it the intention of the Legislature to enable the State after recovery in a civil action of the full penalty to obtain a second recovery for the maximum penalty prescribed? Obviously not. Such a construction would have been inconsistent with the first clause, which said that a person violating the same should forfeit a sum not exceeding one hundred dollars. Besides there is no language in the act providing that there shall be two causes of action, and that the provisions shall be deemed separate and cumulative.

On the contrary the intention of the Legislature seems clear. It was intended to make a violation of the provisions of article II a criminal offence. It was intended to transfer jurisdiction from the civil to the criminal courts, and the penalty prescribed in the first clause of the section is the penalty which may be recovered in the criminal proceedings. In other words, the statute means that where the defendant violates any provision of article II he shall forfeit to the people a sum of money which

may be imposed upon him as a fine in a criminal proceeding, and that he may be additionally punished by imprisonment. (We shall hereafter discuss the effect of the difference in amount specified in the first and last clauses of section 37). The contention now urged by the learned counsel for the people that it was intended to give the State two causes of action for the same offense, finds support neither in the language of the statute nor in reason.

Counsel for the defendant, after diligent search, has failed to find any statute anywhere granting two causes of action of this kind without the use of some words to designate clearly that one shall be additional to the other. As hereinafter pointed out, moreover, a double recovery, such as that to which it is claimed the people are entitled, would be violative of the constitutional inhibition against putting a defendant twice in jeopardy. Before considering this provision, however, let us examine the subsequent changes of the law which emphasize the correctness of our construction of section 37.

Chapter 558 of the Laws of 1898, again amended section 37, and changed it to read as follows:

"Every person violating any of the provisions of articles two and three shall forfeit to the People of the State of New York a sum not less than twenty-five dollars nor more than one hundred dollars for every such violation. * * * Whoever by himself or another violates any of the provisions of articles two and three of said chapter shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment."

It is to be noted that although by the Laws of 1898 this section was apparently made to cover violations of article III, the Legislature permitted section 53 of the Agricultural Law, which placed a fixed penalty of one hundred dollars for every violation of article III, to remain unchanged.

Thus, according to section 37 a violation of article III was punishable by a fine of not less than twenty-five dollars and not more than one hundred dollars, whereas by section 53 a fixed

penalty of one hundred dollars would have to be inflicted, and there was no authorization for a penalty of less amount.

Again it is to be noted that by the amendment of 1898 violations of article III were made criminal. It is important to note that by this amendment of section 37, and by every amendment subsequent thereto, the first clause providing merely for a forfeiture to the State, and the last clause providing that such violation should be held a misdemeanor, are kept co-relative and changed simultaneously.

Thus by the Laws of 1898, chapter 358, where first clause stated that a violation of articles II and III should involve a forfeiture, the last clause of section 37 provided that violation of articles II and III should make the defendant liable to conviction for a misdemeanor.

Chapter 435 of the Laws of 1899 added sections 91 and 92 of the Agricultural Law to the inhibition of section 37. As amended by chapter 435 of Laws of 1899, the first sentence of section 37 provided that a violation of sections 91 and 92 should cause forfeiture to the People of the State of New York of the sum of money specified, and the last sentence of section 37 that the violation of sections 91 and 92 should be a misdemeanor and punishable by the fine specified and by imprisonment.

Violations of sections 91 and 92 were theretofore not punishable at all.

The same act also provided for a forfeiture in case of violation of chapter 491 of the Laws of 1898 (as to sale and transportation of calves), but did not make said offense criminal.

Chapter 76 of the Laws of 1900, and chapter 559 of the Laws of 1900, which amended section 37 of the Agricultural Law, made no substantial change. Indeed, the law as it existed at the time of the violation for which the present action is brought, was substantially the same as after the amendment of 1897, but the subsequent acts show that it was the intention of the Legislature to make these violations punishable criminally instead of civilly.

The reason why the fine provided for in the last sentence of section 37 declaring a violation a misdemeanor was larger than the fine provided for in the first sentence, is that the first clause is expressly limited to the fine for each violation; thereafter there is a clause stating that the same act may constitute two or more violations, as, for instance, the manufacture or the sale or exposure for sale for several consecutive days. All of these can be covered in one criminal action, for each of which violations, however, no greater financial penalty can be imposed than the amount prescribed by the first sentence of section 37.

That it was the intention of the Legislature to make the violations punishable criminally, and not civilly, is further demonstrated by the fact that there is no provision as to who should fix the amount of the penalty.

That is no unintentional omission for the universal rule in criminal actions as laid down by section 12 of the Penal Code is that the penalty in such actions is to be fixed by the court. As to civil actions there is no such provision. If the court should construe the section as authorizing civil actions, section 37 would be entirely ineffective, because there is no machinery of law provided to fix this penalty. There is nothing authorizing either the court or the jury to do so. In this respect the act would be entirely defective and void, because incomplete and unenforcible.

Finally, it is to be noted that by the amendment of 1901, chapter 656, the Legislature has provided the same penalty in the first clause as in the last, and has again made a similar change in the first as in the last amendment, showing clearly that it was the intention to make these two portions of the same section co-relative, and to have the first clause prescribe the penalty which might be recovered by the criminal action provided for by the last.

No claim can be made by the learned counsel for the people that section 37 authorizes the people to maintain but one action and to elect whether such action shall be a criminal or a penal one. There is nothing in the act which states that one action

should be a bar to the other, or that the people may elect between them.

The act either grants but one cause of action or it grants two. If it grants one, that one, is the criminal proceeding.

If section 37 be construed as granting two causes of action, one a civil and the other a criminal one, it would grant causes of action in violation of the constitutional inhibition against putting the defendant twice in jeopardy.

The fifth amendment of the Federal Constitution is as follows:

“Trials for crimes; twice in jeopardy; private property for public use.—No person shall be held to answer for a capital or otherwise infamous crime unless on a presentation or indictment of a grand jury, * * * nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb * * * .”

Article I, section 6 of the New York State Constitution provides as follows:

“Bill of Rights.—* * * No person shall be subject to be twice put in jeopardy for the same offense.”

It is to be noted at the outset that the provision of the State Constitution is much broader than that of the Federal Constitution. The Federal Constitution limits it to jeopardy of life and limb. The State Constitution contains no such limitation. However, it was from the earliest times held that in construing the provision of the Federal Constitution, the court should be guided by the spirit rather than by the letter of the law, and apply the constitutional provision not only to the felonies but to all indictable offences, including misdemeanors.—*Ex parte Lange*, 18 Wallace, U. S., 163; *Berkowitz v. United States*, 93 Fed. Rep., 452.

It has further been held by the Federal courts that an action to recover a statutory penalty, though civil in form, is in reality a criminal case.—*Lees v. United States*, 150 U. S., 476; *Boyd v. United States*, 116 U. S., 616.

And the courts, following the decisions holding that misdemeanors are within the constitutional provision, have held that

actions to recover statutory penalties are also within the guarantee against double jeopardy.—*Coffey v. United States*, 116 U. S., 436; *United States v. McKee*, 4 Dillon, U. S., 128; *United States v. Shapleigh*, 12 U. S. App., 26.

Until the passage of the fourteenth amendment to the Federal Constitution it was well settled that the provision prohibiting double jeopardy does not bind the States but applies only to offenses against and trials under the laws of the United States (*Barron v. Baltimore*, Peters U. S., 243; *Fox v. Ohio*, 5 How. U. S., 410), although the early authorities expressed a contrary opinion.—See *People v. Goodwin*, 18 Johnson, N. Y., 187.

The same has been held with regard to each of the first ten amendments of the Federal Constitution, which are commonly known as the Federal Bill of Rights.

While the legal effect of the amendment in the sphere of the State Government was thus denied, the Federal Bill of Rights were held in a number of authorities to have at least a moral force even there.—*James v. The Commonwealth*, 12 S. & R. (Pa.), 235; *Campbell v. The State*, 11 Ga., 353.

However, by the fourteenth amendment to the Federal Constitution the first ten amendments have been made to operate upon the States.

This question was first raised in *Spies v. Illinois*, 123 U. S. 131, and *In re Kemmler*, 136 U. S. 436; but in those cases it was not decided.

In *O'Neill v. Vermont*, 144 U. S. 323, the majority of the court held that the question was not properly raised, to authorize the court to pass upon it. The minority, however, held that the question was properly raised, and that the fourteenth amendment did render the prior amendments applicable to the States. See opinion of Mr. Justice FIELD, at p. 363, and Mr. Justice HARLAN, at p. 370, to which it is unnecessary to add anything.

NEW YORK AUTHORITIES IN ACCORD WITH THE FEDERAL CASES.

The authorities in New York State, which may be claimed to hold that separate and independent statutes may constitu-

tionally authorize the infliction of a penalty to be recovered in a civil action and of punishment to be inflicted in a criminal court, are readily distinguishable.

People v. Stevens, 13 Wend., 341, was decided in 1835. In that case (p. 342) the Legislature specifically declared that the violation should not only be punishable by the infliction of a penalty, but should also be deemed a misdemeanor and punishable by fine and imprisonment. In that case the penalty to be recovered in a civil action and the criminal prosecution were not authorized by one and the same statute or section of the law. Finally the statutes there under consideration were enacted prior to the Constitution of 1821, which first contained the prohibition against double jeopardy.

In *Rollins v. Breed*, 54 Hun, 485, the statute specifically said that there might be both causes of action—one in favor of any individual who might sue, and the criminal action in favor of the people. The court on this ground alone distinguished the case from the Federal authorities cited heretofore in our brief, which decisions they apparently approved of and reconciled with the case then before the court on the ground that the government cannot maintain two causes of action. The opinion says of the McKee case, 4 Dillon, 128:

“The McKee case differs somewhat from the present one. There were two separate statutes, each furnishing a complete remedy for the charge. The government chose to enforce one, and it might be well said that a conviction and punishment under that ended the right of the government.”

It may be noted that the same distinction was applied in the Federal Courts in the case of *Stone v. United States*, 167 U. S., 178.

In *People v. Meekim*, 133 N. Y., 214, the matter was referred to merely by way of dictum. The prior action in that case moreover was not a mere civil action to recover a penalty, but a **mandamus** to remove a public officer, and was held to be not in the nature of a criminal action.

Even if these authorities were irreconcilable with those of

the Federal Courts, which, as we have shown, they are not, this court is bound, since the adoption of the Fourteenth Amendment to the Federal Constitution, to follow the decisions of the Federal Courts, but in view of the fact that all of the New York authorities seemingly against our contention are readily distinguishable, it is submitted that the court should certainly follow the spirit of the law and of the constitutional provision which would prohibit two such actions from being maintained. In any event the statute should be construed in the spirit of the Federal Constitution.

It is, therefore, respectfully submitted that section 37 of the Agricultural Law should be construed to authorize a criminal but not a civil action, and that accordingly the complaint failed to state facts sufficient to constitute a cause of action.

From the foregoing discussion it follows that the judgment below should be affirmed, with costs to the respondent.

New York, October 29, 1901.

HOADLY, LAUTERBACH & JOHNSON,

Attorneys for Respondent.

Of Counsel,

EDWARD LAUTERBACH,

HENRY L. SCHEUERMAN,

HERBERT R. LIMBURGER.

The Court of Appeals rendered judgment for defendant, the opinion of that court being rendered by Mr. Justice Cullen, as follows:

CULLEN, J. This action is brought to recover a penalty for the violation of section 27 of the Agricultural Law, as amended by chapter 534 of the Laws of 1900. The provisions of that section which it is alleged the defendant violated, are as follows: "No person shall sell, offer or expose for sale any butter or other dairy products containing a preservative but this shall not be construed to prohibit the use of salt in butter or cheese or spirituous liquors in club or other fancy cheese or sugar in con-

densed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the Agricultural Law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the Agricultural Law shall be guilty of a violation of this act." The complaint merely follows the statutes, and alleges that the defendant advertised for sale a preservative called "preservaline" for use with butter, "which was neither salt to be used in butter and cheese, sugar to be used in milk nor liquor to be used in club or fancy cheese," with intent that the said preservative should be used in butter to be offered and exposed for sale. The defendant demurred to the complaint, claiming that the statutory enactment quoted was unconstitutional and void, and in this contention he has been upheld by the Special Term and the Appellate Division.

We think the disposition of this case by the courts below was correct. It is not possible to define accurately the limits of the police power, the exercise of which is vested in the Legislature, nor have the courts, as a rule, essayed that task further than to state in very general terms the nature and object of such power. Still the power has its limitations and those limitations have been to a large extent determined by the process of exclusion and inclusion, as the courts have upheld particular cases of legislation as valid exercises of the power and in other cases have declared the legislation void. In *People v. Marx* (99 N. Y. 377) a statute absolutely prohibiting the manufacture and sale of oleomargarine or any compound as a substitute for butter and cheese was held void. The statute having been subsequently amended so as to prohibit the manufacture or sale of any article so compounded as to imitate butter was upheld in *People v. Arensberg* (105 N. Y. 123) as valid legislation to prevent fraud on purchasers and consumers. In *People v. Kilber* (106 N. Y. 321) a statute defining what should be deemed unwholesome or adulterated milk and prohibiting its sale was held constitutional. In *People v. Girard* (145 N. Y. 105) a statute for-

bidding the manufacture or sale of vinegar containing any artificial coloring matter was also held valid.

From these cases the following propositions may be deduced:

1. That the Legislature cannot forbid or wholly prevent the sale of a wholesome article of food. 2. That legislation intended and reasonably adapted to prevent an article being manufactured in imitation or semblance of a well-known article in common use and thus imposing upon consumers or purchasers is valid. 3. That in the interest of public health the Legislature may declare articles of food not complying with a specified standard unwholesome and forbid their sale. Though these principles, like most legal principles, are true only within limits, there would not seem much chance of conflict in their practical application except between the first and last. In the first of the milk cases (*People v. Cipperly*, 101 N. Y. 634, decided upon opinion of LEARNED, P. J., in 37 Hun, 319) it was held that the statutory declaration of what was wholesome milk was conclusive, and the defendant was not allowed to show in defense that the milk sold by him was in fact unadulterated and not unwholesome. The first oleomargarine case can be differentiated from this on the ground that the statute forbade its sale as a substitute to *take the place* of butter and not as an unwholesome article of food. Still that distinction is narrow and I imagine that the sale and consumption of a well-known article of food or a product conclusively shown to be wholesome could not be forbidden by the Legislature even though it assumed to enact the law in the interest of public health. The limits of the police power must necessarily depend in many instances on the common knowledge of the times. An enactment of a standard of purity of an article of food, failing to comply with which the sale of the article is illegal, to be valid must be within reasonable limits and not of such a character as to practically prohibit the manufacture or sale of that which as a matter of common knowledge is good and wholesome.

The statute before us cannot be justified as an exercise of power to prevent fraud or imposition on buyers and the con-

sumers. Doubtless the Legislature could provide that where butter contains any preservative except salt or sugar the package should be clearly marked with a label stating such fact, and it might require any notice adapted to informing the public of the nature and treatment of the article offered for sale. This it has not done, but it has absolutely forbidden the sale. Nor is the legislation similar to that before the court in the vinegar case. In that case there was no prohibition of vinegar produced from other materials than cider. The forbidden thing was the use of artificial coloring matter, which was not a necessary ingredient of the article produced, but served the sole purpose of preventing the consumer distinguishing between the different kinds of vinegar. In the present case the object of the forbidden article used is not to practice any deception, but to prevent decay in a product which, without the presence of some foreign substance, naturally becomes unfit for use in a very short period. The effect therefore of the statute is to prohibit the preservation of dairy products except by salt in butter and cheese and sugar in condensed milk, and their sale, no matter how harmless the ingredients used for that purpose may be, and no matter how efficiently they attain their purpose.

It is sought, however, to uphold this statute under the principle of the milk cases on the theory that it is a legislative determination that preservatives other than salt and sugar are unwholesome adulterations of dairy products. As pointed out by the learned courts below, there is no legislative declaration to that effect. Passing, however, that consideration, there is a more serious difficulty in the way of such a course. If the statute had provided that the admixture of any substance with dairy products other than salt or sugar should be deemed an adulteration, and declared such dairy products when so adulterated unwholesome, the case would resemble the milk case, and the question would be presented whether such far-reaching restrictions could be upheld as reasonable regulations in favor of public health. As to that question we express no opinion. But this provision of the statute is not aimed at adulterations.

I cannot find in the Agricultural Law any general prohibition against adulterations in butter and cheese, although there is an express provision to that effect in the case of milk. Section 26 seems to forbid the use of acids or other deleterious substance only in the case of imitation butter. Though if I err in this and the application of the section be general, the provision under review is unnecessary so far as public health is involved. Section 407 of the Penal Code forbids the sale of adulterated food only (except in certain specified cases) when made without disclosing or informing the purchaser of the adulteration. It will be seen, therefore, that the sale of adulterated butter or cheese is not necessarily an offense, except so far as made such by the statutory enactment under review. That enactment does not make the introduction of a foreign substance an adulteration, nor an adulteration illegal, except in the case of a preservative. How, then, can it be said that the statute is intended to prevent adulteration or the introduction of foreign substance into butter or cheese when the sole test of criminality under it is that the substance is introduced for the object or with the effect of preserving butter or cheese? If the foreign substance has not this effect, no matter how deleterious it may be, the use of it does not violate this provision. It is plain, therefore, that this statute is solely aimed at the preservation of dairy products by the use of other substances than salt, sugar and spirituous liquor. Why the use of salt is forbidden in milk, sugar in butter and cheese, and particularly why that of liquor is permitted in club or fancy cheese and forbidden in other cheese it is difficult to understand on the theory that its object was the protection of the public health. The preservation of food and the arrest of its tendency to decay is certainly a proper and lawful object in itself. It is a work in which man has been engaged to some extent from earliest history. It is the subject of large industries in this country, and the products of those industries are generally used by the community and are lawful objects of manufacture and sale. The industry has grown to an enormous extent. These are matters of common knowledge. There

is doubtless in the prosecution of these industries danger of adulteration and of the use of processes injurious to public health. The regulation of these subjects for the protection of the public health and the prevention of imposition on consumers is within the power of the Legislature, and the propriety of its exercise cannot be questioned. But while it may regulate, the Legislature may not destroy the industry, and that is not a valid regulation which in dealing with the means of preserving food makes the preservation of food itself an unlawful act. Ingredients and processes may be prohibited as unwholesome or causing deception, but not solely because they preserve.

The judgment appealed from should be affirmed, with costs.

PARKER, Ch. J., GRAY, O'BRIEN, HAIGHT, LONDON and WERNER, JJ., concur. Judgment affirmed.

This law, so far as it applies to selling preservatives as such, was declared unconstitutional, because it did not confine its prohibitions to unhealthful and unwholesome preservatives. Physicians who ought to be competent to speak upon this subject, stated to me that, in their judgment, quite a percentage of infant mortality was due in times past to the use of preservatives. I would, therefore, respectfully recommend to your honorable body that the statute above declared unconstitutional be amended by prohibiting the sale of such preservatives as may be detrimental to health, or else a statute in which shall be specifically named those particular preservatives that are detrimental to health and their use in such food products.

VINEGAR.

The Assistant Commissioners in the different divisions in the State have been instructed to exercise vigilance continuously relative to violations of this portion of the Agricultural Law. In doing this work a peculiar condition has been discovered relative to some of the vinegars placed upon the market. It was found to contain sufficient amount of acetic acid and the required amount of solids, but was declared by the chemists not

to be pure cider vinegar and it was sold as and for such. After due consideration of this matter warning was given to the different manufacturers that if they were adulterating this vinegar it must be stopped. Cases were subsequently made for its sale and they were referred to the Attorney-General for prosecution. One of the cases is now being tried in the Supreme Court in which our evidence shows:

First. That the vinegar was not pure cider vinegar.

Second. That it was made of refuse material.

Third. It was artificially colored.

This question is still pending. With the exception of this particular class of vinegar the law is being generally observed throughout the State, and the vinegar is generally pure and what it purports to be.

The following cases have been referred to the Attorney-General during the year for violation of the Vinegar Law, viz.:

<i>October 5, 1900.</i>		<i>April 3, 1901.</i>	
	CASE NO.		CASE NO.
People v. Hazard & Co.....	2457	People v. Gillott	2460
People v. Beckman	2624	People v. Reiss & Brady.....	2472, 929
People v. Kummer	2625		=====
People v. Meyer	2456		
	=====		
<i>November 5, 1900.</i>		<i>May 9, 1901.</i>	
People v. Mock	2277	People v. Weppner Co.....	2291
People v. Parker.....	2278, 2279, 2280 2284		=====
	2285, 2287, 2288		
	=====		
<i>November 12, 1900.</i>		<i>May 23, 1901.</i>	
People v. Schmidt	2282	People v. Davis	2473
	=====		=====
<i>November 28, 1900.</i>		<i>July 22, 1901.</i>	
People v. Unger	1154	People v. Crouse & Son.....	1511, 1513
People v. Maurer	1155		=====
	=====		
<i>December 28, 1900.</i>		<i>September 17, 1901.</i>	
People v. Maul	2289	People v. Coan & Co.....	3210
	=====	People v. Thalmeimer	3202
		People v. Settle	3211
		People v. Walrath & Co.....	3205
		People v. Tracy & Co.....	3205
			=====
<i>January 7, 1901.</i>		<i>September 30, 1901.</i>	
People v. Melnhold & Helmmann.....	931	People v. Granger & Co.....	2244, 2295
People v. Koerig & Shuester	2468		2243, 2242
	=====	People v. Clark	2241
		People v. Niagara Fruit Co.....	2298, 2239
			2364, 2365, 2366, 2367, 2368, 2369, 2370
		People v. Albion Cider & Vinegar Co.	718
			719, 2234, 2235, 2236, 2237, 2238, 2240, 2299
			=====
<i>March 2, 1901.</i>			
People v. Lincoln	2904		
People v. Robillard	2905		
People v. Hamilton & Richardson....	2906		
	=====		

THE SO-CALLED "BOB VEAL" LAW.

By the provisions of chapter 491, Laws of 1898, your honorable body provided as follows relative to the sale of calves in this State:

§ 71. No person shall slaughter, for the purpose of selling the same for food, or expose for sale or sell within this State, or bring or cause to be brought into any city, town or village within this State for food any calf or carcass of the same, or any part thereof except the hide, unless it is in good, healthy condition and was at least four weeks of age at the time of killing. Any person or persons duly authorized by the Commissioner of Agriculture, may examine any calf or veal found within this State offered or exposed for sale, or kept with intent to sell as food, and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed, he may seize the same and cause it to be destroyed or disposed of in such manner as to make it impossible to be thereafter used as food.

§ 72. On and after the passage of this Act it shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this State any carcass or carcasses of a calf or calves or any part of such carcass except the hide, unless they shall attach to every carcass or part thereof so shipped in a conspicuous place a tag, that shall stay thereon during such transportation, stating the name or names of the person or persons who raised the calf, the name of the shipper, the points of shipping and the destination and the age of the calf.

§ 73. On and after the passage of this act, no railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves, or any part of the same except the hide, unless the said carcass or carcasses or parts thereof shall be tagged as herein provided.

§ 2. This act shall take effect immediately.

The peculiar way in which the traffic of veal carcasses is carried on within the State makes this law somewhat difficult of enforcement. However, in proceeding to enforce it we first ascertain the lines or channels of this trade, then place the agents upon these lines to watch the consignments to see whether they were or were not violations of the statute. I might here call the attention of your honorable body to the fact

that it was with some difficulty I was able to procure men to do ordinary agent work in this branch who were competent to determine, in the short space of time it was necessary for them to determine, whether or not the particular calf or carcass that was being offered for sale was or was not in violation of the statute. The particular method of operating, as above set forth, was supplemented by the further examination of the calves that were seized and declared to be under age, viz.: They were sent by express to the hospital of William H. Kelly, veterinary surgeon, of this State, where they were subsequently examined by Dr. Kelly in conjunction with some other veterinarians in the employ of the Department, and portions of the calves condemned preserved in alcohol for use in court. The portions so preserved are the navel, navel cord and kidneys. I am informed that they indicate with more accuracy the probable age of the calf than any other portion of the carcass that can be taken. This evidence is vouched for by the veterinarians in our employ, and is approved by the Veterinary College at Cornell University. There were quite a few persons who made a business of collecting these small calves and sending them to the market. A goodly number of them, however, upon the enactment of the law stopped the business, but there were some continued it in defiance and it made the work of the Department quite difficult from the fact that they entered into subterfuge, with their cunning to assist, to get carcasses to market without our knowledge, and to get them there in such a way that persons finding them would be unable to determine the consignor. When these subterfuges were being gradually but surely overcome, as though the thought had suddenly struck them at once, the consignments were made to parties who were in the business in New York city, but made to them in Jersey City, thereby giving a chance to raise the question of interstate commerce in all the cases; i. e., to raise the question of our right to stop the goods in transit when the point of destination is outside the State. By carefully watching these consignments we were enabled ultimately to ascertain their destination within the State when

brought over on the ferries, and so have made cases against the parties receiving them and exposing them for sale. In one of the cases made by this Department which was tried at Norwich, Chenango county, on the thirtieth day of September, 1901, the question was raised by the defendant's attorney to the effect that the statute, chapter 491, Laws of 1898, was repealed by the provisions of chapter 321, Laws of 1901. It was reported to this office by the attorneys who had charge of the case for the people that the judge in considering the matter stated that the question of whether it was or was not repealed by the provisions of the above-named chapter was immaterial to the case at bar inasmuch as that case was made prior to the enactment of the said chapter 321, and the right of action was therefore preserved to the people. He therefore did not pass upon the question of whether chapter 321, Laws of 1901, repealed the provisions of chapter 491, Laws of 1898, but the judge expressed himself incidentally in discussing the question as believing that it was so repealed. The whole matter was therefore laid before the Attorney-General with the object in view of testing this question in the courts, or asking your honorable body to so amend the provisions of chapter 321, Laws of 1901, above referred to, as to re-enact the provisions of chapter 491, Laws of 1898, which, if they were repealed, were so repealed by inference and undoubtedly without intention. The wisdom of continuing prosecutions under this chapter until this question is settled may be debatable, but if the statute should be ultimately declared repealed and a great number of cases should be pending in which the defendants were to recover costs it would be expensive to the State. I would therefore suggest to your honorable body the re-enactment of the provisions of chapter 491, Laws of 1898, by amending chapter 321, Laws of 1901, by adding thereto those sections. This will end the controversy on the proposition as to whether the statutes are still in existence with, in my judgment, the least possible harm to all persons concerned.

The following cases have been reported to the Attorney-General for prosecution under this law, viz.:

October 1, 1900.

People v. Kelly.

November 21, 1900.

People v. Martin.

People v. Eckler.

November 27, 1900.

People v. Holdredge.

People v. Bresee.

People v. Hook.

November 28, 1900.

People v. Sloat.

December 1, 1900.

People v. Carroll.

December 3, 1900.

People v. Schintzius.

People v. Unger.

December 10, 1900.

People v. Cook.

People v. Murray.

People v. Jackson.

December 17, 1900.

People v. Allaird.

People v. Welch.

People v. Dean.

December 27, 1900.

People v. Kemp.

People v. Carroll.

People v. Stilson.

People v. Stewart.

People v. Harby.

People v. Dean.

People v. Tilton.

January 7, 1901.

People v. Bedell.

January 14, 1901.

People v. Snead.

People v. Clark.

January 18, 1901.

People v. Dean.

February 11, 1901.

People v. Golde.

People v. Bartlett.

People v. Russell Brothers.

People v. Harby.

People v. Mackin.

February 28, 1901.

People v. King.

People v. Mason.

People v. Martin.

People v. Reglis.

March 21, 1901.

People v. Holdredge.

People v. Pike.

People v. Scott.

March 28, 1901.

People v. Williams.

People v. Culver.

People v. Knapp.

People v. Huyck.

People v. Walrath.

People v. Bradley.

April 4, 1901.

People v. Mowerson.

People v. Oliver & Co.

People v. Williams & Brothers.

People v. Bingham & Co.

People v. Williams.

People v. Dennis & Herring.

People v. Allison & Co.

People v. Scheer.

People v. Hartman & Carson.

People v. Richardson & Co.

People v. Foley & Co.

People v. Steers & Menke.

People v. Adams Brothers.

People v. Moritz.

People v. Apple.

People v. Frank & Co.

People v. Joseph & Co.

April 10, 1901.

People v. McFeely.

People v. Martin.

People v. Root.

People v. Campbell.

People v. Shields.

People v. Zone.

People v. Brown.

April 23, 1901.

People v. Perkins.

People v. Lally.

People v. Gilbert.

People v. Goddell.

People v. Ware.

People v. Wergand.

April 26, 1901.

People v. Holdredge.

People v. Lewis.

People v. Oliver & Co.

People v. Martins.

People v. Granata.

People v. Foley & Co.

People v. Kensington.

June 24, 1901.

People v. Steers & Menke.

People v. Dennis & Herring.

July 11, 1901.

People v. Searls.

LINSEED OIL.

During the year a canvass of the different stores in the State where linseed oil was sold or exposed for sale has been made with considerable care by a special agent of this Department who was an expert relative to that commodity. Wherever the adulterated goods, or goods whose sale or exposure for sale would be in violation of the statute, were found, notice was given to the parties that its sale was a violation. A second visit was made to the place where these particular goods were found during the first visit, and if they were found in the store a second time samples were taken for analysis by the chemist.

The following cases were made and referred to the Attorney-General for violation of the provisions of the Agricultural Law, as follows:

April 2, 1901.

CASE NO.		CASE NO.	
People v. Lang	27	People v. McIntyre & Sons.....	10
People v. Krueger & Co.....	30	People v. Kun	9
People v. Sassman & Poholski	29	People v. Smith	7
People v. Bluman	26	People v. Bayne & Carpenter	5
People v. Kroenencke	16	People v. Holland	1
People v. Kaplan	14	People v. Fonda	2, 31
People v. Wolf	13	People v. Levine	24
People v. Gordon	12	People v. Burt	21
People v. Frank	11		<u>21</u>

MAPLE SUGAR AND MAPLE SYRUP.

No cases have been made during the year for violation of the provisions of this statute for the reason that if there is any violation we are unable to detect it at the present time. We have endeavored by detective work to ascertain whether the statute is being violated in places where maple sugar and maple syrup are being either renovated, made over or manufactured from other substances. Our detective work has been up to the present time unavailing, and chemical knowledge within our reach is not sufficient to determine when maple sugar and maple syrup have been adulterated by the addition of sugar or syrup made from other commodities. Our chemists are doing what they can, however, as time will permit, to develop some means of determining such adulteration. Until this is done we cannot

prosecute any cases for the violation of the statute. I am of the opinion that it would not be unwise for your honorable body to make a small appropriation for experimenting along this and other lines of work with which this Department is charged, in which we are having similar difficulty with our chemical work.

BEET SUGAR.

During the past season, in accordance with the provisions made by your honorable body, the following men, viz., Parley M. Brown, John W. Calkins, George E. Hollenbeck, C. M. La Monte, D. W. Lasher, S. Niles Loomis and E. C. Montross, have been employed as instructors, whose duty it has been to go among the farmers of the State who were putting in crops of sugar beets for the first time to instruct them relative to the preparation of the soil, growing, caring for and harvesting the beets for the sugar-beet factories. These men have been employed all the time they profitably could in this work. Just how to measure the results to determine whether they were beneficial or otherwise I am at a loss. There can hardly be doubt, however, but what this work has been of great help to those who were putting in first crops, entirely ignorant of its requirements, being a new industry within the State. There have been two beet-sugar factories in operation in the State during the present season—one at Binghamton, N. Y., known as the Binghamton Beet Sugar Company's Factory, and the other at Lyons, N. Y., known as the Empire State Sugar Company's Factory.

Reports from the men in the field show that in many cases the land selected for the growing of the beets was not appropriate for the purpose and consequently showed a small yield. This had a tendency to make the average per acre smaller from the beets thus raised in the State of New York. During the year above mentioned there were produced by the two factories sugar as follows, viz.: The Binghamton Beet Sugar Factory, 2,500 tons, and the Empire State Sugar Factory, 2,000 tons, making in the aggregate the amount of sugar made by these

two factories in the year 1901, 4,500 tons, made from 47,000 tons of beets, averaging about 192 pounds of sugar to one ton of beets.

Your honorable body appropriated by the provisions of chapter 331, Laws of 1901, \$93,000 to be apportioned under the provisions of chapter 500, Laws of 1897, as a bounty, said distribution to be made upon a base of not to exceed one cent per pound for the sugar manufactured coming within the requirements and provisions of said statute. Under that statute I have distributed money as follows to the two factories above named, viz., to the Binghamton Beet Sugar Factory \$48,350.95, and to the Empire State Sugar Factory, \$42,347.03.

SAN JOSÉ SCALE.

During the year the agents of this Department have been actively engaged in examining the nurseries, as provided by the Agricultural law, relative to infectious or contagious diseases of fruit trees. As a result of the examination of those nurseries the Department has issued in accordance with the provisions of the said statute 439 certificates to nurserymen on an inspection of $7,156\frac{3}{4}$ acres of nurseries and 294 acres of vineyards, as against 399 certificates on $6,005\frac{1}{2}$ acres of nursery stock and 1,018 acres of vineyards in 1900. Seventy-six were certified for the first time this year, accounted for mostly by increase in business and partly by changes in firm names. Two hundred and thirty-five nurseries reported as embracing five acres or less, and 187 over five acres. One hundred and six nurserymen received duplicate certificates to file with authorities in other States as follows: Pennsylvania, 2; Georgia, 39; Illinois, 20; Indiana, 15; Iowa, 28; Maryland, 76; Michigan, 82; New Jersey, 15; North Carolina, 51; Ohio, 88; Virginia, 71; Florida, 2; total, 489. After August 1st duplicate certificates were supplied only for Georgia, Maryland, Michigan, North Carolina, Ohio and Virginia, the only States having laws and regulations requiring the filing of copies of original certificates.

It has been the invariable rule in the inspection of nurseries to destroy every tree or plant on which the San José Scale was found, together with adjoining trees. Infested orchard trees in proximity to nursery stock are condemned and burned, and the Department has required all nurserymen to fumigate stock dug for shipping from blocks or fields in which scale has been found. Two, three or more inspections were made of nurseries where it was known that the scale had been found in the vicinity, and every such place has been throughout the summer under the care of an inspector, aided in every instance by the owner. It is the intention of the Department that its certificates shall be entirely reliable, and that they are so is shown in that out of the shipment of millions of trees and plants from this State in 1901, only one case of scale was reported back to the Department as having been sent out by a nurseryman holding certificate, and that was traced to an old, transplanted block, where the inspection was made in July—before the breeding season of the scale.

There are now twenty-three houses specially prepared for the fumigation of nursery stock by the New York State nurserymen, and some growers fumigate a whole or a part of the stock they handle; some fumigating all stock shipped, notwithstanding the fact that no scale has ever been found on their premises.

Following is an estimate of the varieties and number of trees growing in New York nurseries in 1900-1901 (figures never before collected), as reported by inspectors, from information obtained at the time of inspection, giving a very fair idea of the extent and growth of the nursery business in this State:

	1900.	1901.
Apple.....	8,830,217	10,258,166
Pear.	4,755,133	6,162,537
Pear, dwarf .....	.....	439,713
Plum.	4,495,122	5,651,289
Cherry.....	3,955,892	5,532,815
Peach.....	2,823,363	3,473,297
Quince.....	718,565	587,966

	1900.	1901.
Apricot.....	77,016	56,821
Ornamental trees.....	3,521,606	2,163,670
Shrubs.....	4,815,868	5,488,076
Currants.....	4,263,224	3,438,834
Grapes.....	11,795,139	21,433,966
Gooseberries.....	80,188	626,710
Raspberries, acres.....	234	213 $\frac{5}{8}$
Blackberries, acres.....	80	111 $\frac{1}{2}$
Strawberries, acres.....	138	159
Vineyards, acres.....	896	294

The total number of fruit trees inspected in 1900 was 25,655,308, and in 1901, 32,162,604, representing 6,005 $\frac{1}{2}$ acres in the first instance, and 7,156 $\frac{3}{4}$ in the second.

Owing to the fact that more time was spent on inspection work this year, and that much reinspection was done, we feel that we have full information on the location of areas infested with San José scale. It was found on fifty-nine premises belonging to owners of property who asked for certificates, but this does not mean that the larger nurseries of the State are generally infested throughout the entire stock. Some small nurseries were generally infested, but these were owned by nurserymen who did no more than a local business, and few, if any, ever shipped stock out of the State. Other large nurseries were reported infested, but the infestation was confined to a detached block of trees, and often was found in transplanted stock or in packing yards. In other cases nurserymen had a single plant or two brought in from an infested section subsequent to inspection. Other cases are reported where extensive nurseries had scale in a proving-ground or a garden, while the general stock was entirely clean.

It is worthy of mention that the majority of infestations reported were in stock brought from other States and transplanted, or "lined out" and kept from year to year. Old trees

of "hospital" stock usually prove breeding-grounds for most pests, while young, thrifty and highly cultivated plats are more often free from insect pests, though not necessarily exempt. One-half of the infestations were on premises of less than five acres. One of the most serious infestations was of less than 50 trees, scattered through a block of 20,000 apple trees. Several places of less than 2,000 trees were slightly infested, but in serious shape because of infested orchard trees nearby.

While the extermination of the scale is the principal work of the inspectors, the law provides in general terms for other insect pests and fungous diseases. Considerable work has been done in checking the spread of caterpillars, borers, aphides and other insect pests, and crown gall, black-knot and other fungous diseases.

The increased appropriation for orchard inspection over last year enabled the Department to in part satisfy the orchardists in the various sections of the State who have been very urgent for an inspection of their orchards. The San José scale and peach yellows are such serious pests that they cause much alarm among fruit-growers when their presence is found in an orchard section. Seven hundred and sixty-six orchards, embracing 9,718 acres, were carefully examined, and the scale found in 140. Some trees were in a rapidly failing condition. Some large orchards have small centers of infestation, and it is hoped that in such cases the scale may be controlled by the energetic efforts of the owner. It is the policy of the Department, which is generally recommended, that all badly infested trees shall be at once burned, and the remainder treated with approved oily sprays or fumigated with hydrocyanic acid gas.

Many experiments have been directed by the Department with petroleum and the results have been favorable to a great extent. In some cases all the scales have been destroyed; in others the larger percentage were killed—in fact, nearly all—but enough scale survived to require watchfulness and further application of the spray the coming season. Persistent care and proper spraying with 25 per cent petroleum with water, by an accurate

mixing pump, will keep the scale in check in orchard trees, and may possibly exterminate it.

Many experiments in the fumigation of orchard trees with hydrocyanic acid gas have been made, and in most cases show that a single fumigation killed every scale, as none appeared the season following. However, there are instances where live scales appeared on the fumigated trees during the following breeding season. The fact that scales can all be killed, but are not, shows a fault somewhere. It may be that the chemicals used were not up to the standard of purity, that they were not properly mixed, that the tent was not air-tight, that the cubic feet of space was not rightly proportioned to the cyanide used, or that the exposure was inadequate. Then, too, live scales may come from adjoining trees.

Here we have two methods that promise to help the unfortunate orchardist. Both can be used to advantage, and neither will injure the trees. Small orchard trees can be treated at about the same cost by either method, but tents for large trees are expensive; therefore there seems no other way left than to spray. The use of petroleum, where it has been effective in checking the scale, was applied as late in spring as possible, prior to the flow of sap or the opening of the buds. The light-colored amber oils of a light specific gravity, used with a mixing pump at the rate of 25 per cent of oil to 75 per cent of water, seems to be the best formula at present known.

The best results obtained by hydrocyanic acid gas have been where the work was properly done in every detail, and the formula for generating the gas was as follows: 1 ounce of cyanide of potassium, 98 per cent pure; $1\frac{1}{2}$ ounce of commercial sulphuric acid and 3 ounces of water to each 100 cubic feet of space, with 30 to 45 minutes' exposure.

Twelve hundred and eleven orchard trees and 26,296 currant bushes were destroyed because of the San José scale. In many orchards, apple canker is getting in its destructive work; black-knot is locally bad; borers and bark beetles, blight, apple scab and scale insects other than San José are frequently found

to an injurious extent. The advice of the inspectors is constantly sought, and their good work among the fruit growers seems to be highly appreciated, and cannot, by any means, be fully shown in such a report as is here presented. The following is a compilation of the inspectors' reports in orchard work in 1900-1901:

	1900. Trees.	1901. Trees.
Apple	42,637	215,029
Pear	53,062	220,428
Dwarf pear	3,030	21,133
Plum	21,068	96,640
Peach	260,875	247,949
Cherry	17,590	40,344
Apricot	284	1,001
Quince	725	10,109
Currants	872,700	387,094
Strawberries, acres	143	84½
Raspberries, acres	67	119
Blackberries, acres	22	26
Gooseberries, acres	5	11
Vineyards, acres	1,663	594½

The total number of trees inspected in 1900 was 399,271, and in 1901, 852,633.

The law requires transportation companies doing business in the State to notify the Commissioner of Agriculture of the receipt of nursery stock from points without the State to points within the State. We have received 366 notices at this Department, and the inspectors at certain nursery centers have received many more. These shipments were in size from a bale to a full carload. A few were found infested with enough scale to show the wisdom of this form of notice, as most of the stock received in the State is reshipped under the certificates of this Department. It is worthy of notice that the infested stock discovered were in shipments from some of the largest and most reputable firms of nurserymen in the United States.

Arrangements have been made with the United States treasury so that the eight custom houses located in this State shall notify the Department of the receipt of nursery stock from foreign countries having a destination within the borders of New York. An inspector has been assigned to look after the work at New York and Rochester, the two principal ports of entry for this class of goods. Reports have been received from inspectors on the shipment of stock as follows: 36 carloads, 376 boxes and 83 bales, embracing the following stock: fruit trees, 290,036; ornamental trees, 74,076; seedlings, 47,848; shrubs, 132,994; currants, 44,915; gooseberries, 3,690; other berries, 19,275. Two carloads containing 27,375 trees were found infested with scale—11 trees in one and 550 in the other; and 26 boxes containing 22,375 trees and plants were each infested to the extent of 237 trees.

The auction rooms in New York city received nursery stock from many sections, and they are under the care of an inspector of this Department. Reports of inspections cover 37,640 trees and plants, a few which were found infested were burned.

BEES.

The report of work done by agents under the provisions of the law relative to the prevention of diseases among bees (chapter 223, Laws of 1899), for the season of 1901, is as follows:

Four agents were assigned to this work and their names, addresses and divisions were the same as in 1900, as follows, viz.:

First Division—Comprising the counties of Albany, Clinton, Columbia, Dutchess, Essex, Greene, New York, Putnam, Rensselaer, Saratoga, Schenectady, Warren, Washington, Westchester.—Wheeler D. Wright, Agent, Altamont, N. Y.

Second Division—Broome, Chenango, Delaware, Kings, Nassau, Orange, Otsego, Queens, Richmond, Rockland, Schoharie, Suffolk, Sullivan, Ulster.—N. D. West, Agent, Middleburg, N. Y.

Third Division—Allegany, Chemung, Cortland, Fulton, Hamilton, Herkimer, Madison, Montgomery, Oneida, Schuyler, Steuben, Tioga, Tompkins.—Charles Stewart, Agent, Sammons ville, N. Y.

Fourth Division—Cattaraugus, Cayuga, Chautauqua, Erie, Franklin, Genesee, Jefferson, Lewis, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, St. Lawrence, Wayne, Wyoming, Yates.—Mortimer Stevens, Agent, Pennellville, N. Y.

A summary of the work shows that the number of apiaries examined was 905, embracing 25,065 colonies; 487 apiaries, or 54 per cent, were diseased. This number of apiaries embraced 3,451 colonies, 614 of which were destroyed; the remainder were subjected to remedial treatment, and wherever properly and carefully done resulted in saving the colonies and placing them on a paying basis.

Early in the season 248 colonies were found dead as a result of starving or smothering over the winter of 1900-1901. We concluded that the work of the agents in the apiaries was effective in checking the spread of bee diseases from the fact that we find in 1900 24 per cent of the colonies of bees in the State were diseased and only 14 per cent in 1901.

The diseases found as reported by the agents of the Department are "foul brood" (*Bacillus alvei*), "black brood" (*Bacillus milli*) and "pickle brood."

Of these bacterial diseases the black brood is the most malignant and contagious, and whenever found should have prompt and thorough attention; weak colonies should be condensed and strengthened; infected colonies destroyed, together with all appurtenances, as no diseased material should be accessible to healthy bees.

I am pleased to report that no outbreak of disease has been discovered in any section of the State outside of the infested sections reported last year.

In order to meet the exigencies that arise in this work I suggest that wherever the words "foul brood" appear in the law

(chapter 223, Laws of 1899) they shall be followed by the words, "or any other contagious disease," and I recommend that such an amendment be made.

AGRICULTURAL SOCIETIES.

The appropriations made by the Legislature for the promotion of agriculture, to be distributed to agricultural societies, were \$162,000, of which \$66,000 was appropriated by chapter 418 of the Laws of 1900, and \$96,000 was appropriated by chapter 302 of the Laws of 1901.

The amounts apportioned and paid to the agricultural societies entitled to the above-named moneys are as follows:

Hornellsville Farmers' Club.....	\$2,000 00
Cambridge Valley Agricultural Society and Stock Breeders' Association.....	2,000 00
Albany County Agricultural Society and Exposition.....	2,087 35
Allegany County Agricultural Society.....	1,369 26
Broome County Agricultural Society.....	1,824 05
Cattaraugus County Agricultural Society.....	1,487 42
Chautauqua County Agricultural Society.....	1,339 69
Chemung County Agricultural Society.....	1,647 63
Chenango County Agricultural Society.....	1,368 21
Clinton County Agricultural Society.....	2,058 17
Columbia County Agricultural Society.....	3,083 82
Cortland County Agricultural Society.....	2,548 07
Delaware County Agricultural Society.....	1,749 09
Dutchess County Agricultural Society.....	4,286 35
Erie County Agricultural Society.....	2,325 95
Essex County Agricultural Society.....	1,426 85
Franklin County Agricultural Society.....	2,024 92
Fulton County Agricultural Society.....	2,369 82
Genesee County Agricultural Society.....	1,850 00
Greene County Agricultural Society.....	1,318 84
Herkimer County Agricultural Society.....	1,742 28
Jefferson County Agricultural Society.....	2,694 13
Lewis County Agricultural Society.....	1,581 07
Hemlock Lake Union Agricultural Society.....	1,497 85
Brookfield Agricultural Society.....	1,510 66
Brockport Union Agricultural Society.....	2,024 96
Montgomery County Agricultural Society.....	1,711 48
American Institute of the City of New York.....	1,962 97
Niagara County Agricultural Society.....	1,473 33
Oneida County Agricultural Society.....	1,805 20
Onondaga County Fair.....	1,817 80
Ontario County Agricultural Society.....	1,648 28
Orange County Agricultural Society.....	2,624 56
Orleans County Agricultural Society.....	1,873 08
Oswego County Agricultural Society.....	2,120 85
Otsego County Agricultural Society.....	2,000 09
Putnam County Agricultural Society.....	1,275 90
The Agricultural Society of Queens-Nassau Counties.....	3,631 62
Agricultural and Liberal Arts Society of Rensselaer County.....	2,190 23
Rockland County Agricultural and Horticultural Association.....	1,581 47
St. Lawrence County Agricultural Society.....	2,197 12
Saratoga County Agricultural Society.....	2,036 87

Schoharie County Agricultural Society.....	\$1,741 53
Schuyler County Agricultural Society.....	1,518 96
Seneca County Agricultural Society.....	1,739 71
Steuben County Agricultural Society.....	2,603 86
Suffolk County Agricultural Society.....	2,092 20
Sullivan County Agricultural Society.....	1,781 72
Tioga County Agricultural Society.....	1,620 05
Tompkins County Agricultural Society.....	2,045 96
Ulster County Agricultural Society.....	1,802 69
The Warren County Fair.....	1,312 63
Washington County Agricultural Society.....	2,862 41
Wayne County Agricultural Society.....	1,499 73
The Society of Agriculture and Horticulture of Westchester County.....	5,500 73
Wyoming County Agricultural Society.....	1,362 43
Yates County Agricultural Society.....	1,504 70
Cuba Fair Association.....	1,290 35
Wellsville Fair Association.....	1,326 14
Binghamton Industrial Exposition.....	2,147 17
Franklinville Agricultural and Driving Park Association.....	1,259 34
Afton Driving Park and Agricultural Association.....	1,463 25
Riverside Agricultural Society.....	1,571 29
Columbia Agricultural and Horticultural Association.....	1,450 97
Catskill Mountain Agricultural Society.....	1,007 27
Delaware Valley Agricultural Society.....	2,155 28
Cape Vincent Agricultural Society.....	895 25
Boonville Fair Association.....	1,161 71
Phoenix Union Agricultural Society.....	890 08
Gorham Agricultural Society.....	1,015 18
Naples Union Agricultural Society.....	1,108 57
Sandy Creek, Richland, Orwell and Boylston Agricultural Society.....	1,851 48
Morris Fair Association.....	2,160 08
Oneonta Union Agricultural Society.....	3,531 05
Richfield Springs Agricultural Society.....	1,180 19
Schenevus Valley Agricultural Society.....	1,139 96
Rockland County Industrial Association.....	878 72
Gouverneur Agricultural and Mechanical Society.....	1,338 05
Oswegatchie Agricultural Society.....	1,107 57
Racket Valley and St. Regis Valley Agricultural Society.....	2,359 17
Cobleskill Agricultural Society.....	3,120 68
Southern Steuben Agricultural Society.....	907 38
Northern Tioga Agricultural Society.....	1,605 80
Dryden Agricultural Society.....	2,247 80
Union Agricultural and Horticultural Society (Trumansburg).....	1,321 48
Newark Fair Association.....	939 83
Palmyra Union Agricultural Society.....	1,304 43
Silver Lake Agricultural and Mechanical Association.....	959 44
Dundee Fair Association.....	1,098 14

STATEMENT OF SALARIES AND EXPENSES OF THE COMMISSIONER, ASSISTANT COMMISSIONERS, EXPERTS, AGENTS, CHEMISTS, ETC., FOR THE YEAR 1900-1901.

	Salary.	Expenses.
Commissioner	\$4,000 00	\$750 00
Assistant Commissioners.....	17,000 00	6,686 08
Bookkeepers, stenographers, etc.....	6,420 00	.....
Cheese instructors.....	4,750 00	3,353 77
Special agents.....	31,062 50	21,545 36
Inspectors	8,660 00	5,546 96
Veterinarians	3,227 50	2,080 67
Chemists	10,837 00	504 38
Postage, stationery, printing, supplies, etc.....	.....	6,591 68
Miscellaneous (other than above enumerated).....	.....	5,239 41
Diseases of domestic animals (tuberculosis and glanders)....	904 00	763 82
Nursery inspection.....	6,083 48	3,036 83
Sugar beet instruction.....	1,734 00	2,561 61

RECOMMENDATIONS.

For the fiscal year beginning October 1, 1902, I hereby respectfully make the following recommendations as to appropriations necessary to do the work under the present Agricultural Law, viz.:

For the general work of the Department.....	\$144,000 00
For Farmers' Institutes.....	20,000 00
For the distribution of money among agricultural societies and the American Institute of the city of New York	56,000 00
For the general work of the Experiment Station at Geneva	50,000 00
For experimental work at the Experiment Station at Geneva	8,000 00
For the enforcement of the provisions of the fertilizer law	10,000 00
For the enforcement of the provisions of the feeding stuff law.....	2,500 00
For maintaining the veterinary college at Cornell University	20,000 00

C. A. WIETING,
Commissioner of Agriculture.

A P P E N D I X .

Report of F. J. H. Kracke, Assistant Commissioner.

Report of Ebenezer J. Preston, Assistant Commissioner.

Report of T. James Owens, Assistant Commissioner.

Report of Charles T. Russell, Assistant Commissioner.

Report of Verlett C. Beebe, Assistant Commissioner.

Report of William T. Hughes, Assistant Commissioner.

Report of Asa L. Twitchell, Assistant Commissioner.

Report of James P. Clark, Assistant Commissioner.

Report of John H. Grant, Assistant Commissioner.

Report of William Henry Kelly, Veterinarian.

Financial Reports of Agricultural Societies for 1901.

Agricultural Law.

Report of Cornell University Agricultural Experiment Station.

Report of New York Agricultural Experiment Station.

Report of F. E. Dawley, Director of Farmers' Institutes.

Report of F. J. H. ⁶³Kracke.

HON. CHARLES A. WIETING, *Commissioner of Agriculture*:

My Dear Sir.—I herewith submit the annual report of the work performed in the Second Division of the Department of Agriculture and the result of the prosecutions by the Attorney-General of violations of the Agricultural Law, also the present status of cases pending.

In my previous report the New Jersey oleomargarine wagon peddler problem, with its attending difficulties, was spoken of. It was thought then that it might be possible to obtain additional legislation to more fully cope with this condition, but after careful study it was found to be impracticable owing to inter-state commerce questions. We therefore went to work under the law as it now stands and devoted a considerable part of our time to obtaining the right evidence against this class of violators. As a result fifteen wagon men were arrested, tried in the courts, convicted and heavy fines imposed, five or six of them serving a term in prison. The total amount collected in fines and penalties for violations of the Agricultural Law is the largest in many years, largely due to the increased heavy penalties imposed.

The law having been amended this year, increasing the minimum penalty from \$25 to \$50 for the first offence, and from \$100 to \$200 for the second offence in a civil action, and from \$25 to \$50 for the first offence, and six months imprisonment for a second offence in a criminal action, no doubt has been the means of a more wholesome respect for the law, and it is conceded that to-day there is a more complete observation of the same than in many years.

Milk.

The marking law, as applied to condensed milk, has been somewhat loosely observed, and upon having secured proper evidence, actions were begun in a number of cases, from which about \$2,000 in penalties were collected.

The milk received in this city during the last year has been of an average quality.

INSPECTIONS OF MILK AT FERRIES, RAILROADS AND STEAMBOAT LANDINGS.

During the months of June, July, August and September a thorough inspection of milk arriving over the different railroads and steamboats for consumption in New York and Brooklyn was made after the milk had been delivered by the common carriers to the grocer and peddler. The plan adopted was, as usual, to obtain from the police department a detail of two or more officers for duty at each depot where inspections were made. With their assistance the wagons were formed in line as they came off the ferries or from the railroad depots into the streets. We then inspected the milk found on each wagon before allowing it to leave the line.

The milk inspected when delivered by each railroad and steamboat line represents one day's shipment over each line for consumption in New York and Brooklyn, to which may be added 1,600 cans estimated as the average per day by miscellaneous conveyance during those months.

The receipts of milk for 1899 showed an increase of six per cent; for 1900 about three per cent, and for 1901 about three per cent, being in total 470,235,960 quarts for the year, representing a daily receipt of 1,288,317 quarts of crude milk.

Prosecutions for milk adulteration have been carried on, as has been the custom of this Department, without fear or favor.

Butter.

The market during the fiscal year ending October 31, 1901, was characterized by a high range in prices which were beyond the figures exporters were able to pay. This condition resulted in stock accumulating all over the country, and it is estimated that there was on hand at the close of the season 15 per cent more stock than last year. Export business was of poor volume, and mainly in factory and renovated butter. Fully three-fourths of foreign shipments were composed of renovated butter. This product was somewhat of an innovation in foreign markets, and where the quality was fresh and good the article was favorably received.

Foreign markets were heavily supplied with butter from Russia and Siberia, and thousands of tubs were placed on English markets at prices much lower than those offered in the home market.

The quality of butter manufactured during the past year was irregular. The June product was good, but dating from that month the make was not up to the standard, excepting in a few cases. Drought in the West during the months when the finest stock is usually produced made it impossible to keep the quality uniform. The amount made in New York was fully as large as in former years, and during the months of May, June and July there was keen competition among buyers from Boston, New York, Providence and other cities along the Eastern coast. The high prices realized must have been satisfactory to the various creameries. There was no difference in New York quotations between Eastern and Western butter, both going through the entire year on an equal footing.

Cheese.

The cheese market was not unlike butter inasmuch as high prices ruled during the year, with the exception of one month. At times quotations were at a point where speculators were afraid to operate. The amount made in New York was estimated to be considerably less than in former years. This condition was undoubtedly caused by the heavy demand for milk for current consumption, and for condensing purposes. Contracts were made with farmers for their output to a far greater extent than heretofore, and at prices so attractive that creameries and factories were unable to compete.

The average quality was fairly satisfactory, but in some of the Northern sections the product was especially choice, and with attractive competition high prices were realized. Exports for the year were disappointing, and during the month of October prices offered in Canada were so materially lower than those quoted in New York that a large amount of business was diverted from Montreal.

Consumption requirements in the home market are increasing yearly, and small size cheese are steadily growing in favor among Southern dealers and nearby Eastern markets.

The following statements show the operations under the act of June 6, 1896, defining cheese and imposing a tax upon and regulating the manufacture, sale, importation and exportation of filled cheese.

The quantity of filled cheese produced, withdrawn tax paid for export, and that withdrawn tax paid for domestic use from manufactories monthly, from July 1, 1899, to June 30, 1901, is as follows:

MONTH.	Quantity produced, pounds.	QUANTITY WITHDRAWN— TAX PAID—	
		For do- mestic use, pounds.	For export, pounds.
1899.			
July.....	.....	.....	.....
August.....	.....	.....	.....
September.....	.....	.....	.....
October.....	84,375	.....	84,375
November.....	113,346	.....	113,346
December.....	168,742	26,019	142,723
1900.			
January.....	218,508	3,613	214,895
February.....	221,673	.....	221,673
March.....	235,818	3,638	232,180
April.....	319,846	.....	319,846
May.....	212,671	15,222	197,449
June.....	.....	.....	.....
July.....	.....	.....	.....
August.....	.....	.....	.....
September.....	20,913	.....	20,913
October.....	95,133	.....	95,133
November.....	229,269	.....	229,269
December.....	175,663	.....	175,663
1901.			
January.....	257,509	3,967	253,542
February.....	250,549	4,163	246,386
March.....	126,069	3,423	122,646
April.....	112,906	3,190	109,716
May.....	37,448	37,448	.....
June.....	.....	.....	.....
Total	2,880,438	100,683	2,779,755

It will be noted from the above table that the largest production month for the fiscal year ended June 30, 1900, was April, and the quantity produced that month was 319,846 pounds. The largest production month for the fiscal year ended June 30, 1901, was January, and the quantity produced that month was 257,509 pounds.

There were 1,574,979 pounds of filled cheese produced at manufactories during the fiscal year ended June 30, 1900, and the entire quantity was tax paid. For the fiscal year ended June 30, 1901, 1,305,459 pounds were produced and tax paid, showing a decrease in production as compared with the previous year of 269,520 pounds.

It appears that the average monthly production for the eight production months of the fiscal year ended June 30, 1900, was 196,872 pounds, and for the nine production months of the fiscal year ended June 30, 1901, 145,051 pounds. There was no production in the months of July, August and June of the fiscal year ended June 30, 1901.

Statement, by Districts, Showing the Number of Establishments for which Special Tax Was Paid to Carry On the Business of Manufacturing and Dealing in Filled Cheese During the Fiscal Year Ended June 30, 1901.

DISTRICTS.	Manufac- tories.	Retail estab- lish- ments.	Total.
First Illinois	5	.....	5
Maryland .....	.....	2	2
Louisiana .....	.....	1	1
Total for twelve months ended June 30, 1901.....	5	3	8
Total for twelve months ended June 30, 1900.....	6	2	8

Receipts Under the Filled-Cheese Law During the Fiscal Year Ended June 30, 1901.

DISTRICTS.	Collections on filled cheese at 1 cent per pound.	SPECIAL TAXES OF—		
		Manufacturers.	Retail dealers.	Total.
First, Illinois.....	\$13,055 97	\$1,566 67	.....	\$14,622 64
Louisiana .....	.....	.....	\$6 00	6 00
Maryland.....	.....	.....	24 00	24 00
Total	\$13,055 97	\$1,566 67	\$30 00	\$14,652 64

The following is an extract from the annual report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1901:

*Receipts Under the Oleomargarine Law During the Fiscal Year
Ended June 30, 1901.*

DISTRICTS.	Collections on oleomargarine at 2 cents per pound.	SPECIAL TAXES OF—			Total.
		Manu- facturers.	Retail dealers.	Wholesale dealers.	
Alabama .....	.....	.....	\$1,190 00	\$1,040 00	\$2,230 00
Arkansas .....	.....	.....	1,870 55	480 00	2,350 55
First California .....	.....	.....	.....	.....	.....
Fourth California .....	.....	.....	.....	.....	.....
Colorado .....	.....	.....	5,178 00	2,500 00	7,678 00
Connecticut	\$163,087 70	\$1,800 00	12,682 00	1,840 00	179,409 70
Florida .....	.....	.....	3,682 00	3,960 00	7,642 00
Georgia .....	.....	.....	3,076 00	3,360 00	6,436 00
Hawaii	96 00	.....	48 00	880 00	1,024 00
First Illinois	831,004 13	6,200 00	110,066 50	5,240 00	952,510 63
Fifth Illinois .....	.....	.....	5,248 00	1,560 00	6,808 00
Eighth Illinois .....	.....	.....	5,644 00	560 00	6,204 00
Thirteenth Illinois	1,201 60	600 00	3,212 00	1,120 00	6,133 60
Sixth Indiana	184,447 02	1,875 00	13,634 00	3,080 00	203,036 02
Seventh Indiana .....	.....	.....	4,000 00	.....	4,000 00
Third Iowa .....	.....	.....	.....	.....	.....
Fourth Iowa .....	.....	.....	.....	.....	.....
Kansas	327,209 68	1,100 00	8,694 00	2,720 00	339,723 68
Second Kentucky .....	.....	.....	656 00	.....	656 00
Fifth Kentucky	3,245 60	700 00	8,028 00	960 00	12,933 60
Sixth Kentucky .....	.....	.....	2,508 00	.....	2,508 00
Seventh Kentucky .....	.....	.....	650 00	.....	650 00
Eighth Kentucky	84 00	.....	84 00	.....	84 00
Louisiana .....	.....	.....	8,332 00	4,160 00	12,492 00
Maryland	53,661 10	1,200 00	6,260 00	4,560 00	65,691 10
Massachusetts .....	.....	.....	3,620 00	2,684 52	6,304 52
First Michigan .....	.....	.....	8,064 50	1,240 00	9,304 00
Fourth Michigan .....	.....	.....	7,176 00	1,420 00	8,596 00
Minnesota .....	.....	.....	276 00	3,760 00	4,036 00
First Missouri .....	.....	.....	13,734 00	1,380 00	15,114 00
Sixth Missouri	79,927 90	.....	2,544 00	.....	82,471 90
Montana .....	.....	.....	246 00	720 00	966 00
Nebraska .....	.....	.....	3,038 00	1,440 00	4,478 00
New Hampshire .....	.....	.....	424 00	480 00	914 00
First New Jersey	3,012 50	.....	4,356 00	.....	7,368 50
Fifth New Jersey	6,167 62	600 00	20,992 00	3,280 00	31,039 62
New Mexico .....	.....	.....	1,024 20	480 00	1,504 20
First New York .....	.....	.....	120 00	.....	120 00
Second New York .....	.....	.....	114 00	.....	114 00
Third New York .....	.....	.....	388 00	.....	388 00
Fourteenth New York .....	.....	.....	.....	.....	.....
Twenty-first New York .....	.....	.....	48 00	.....	688 00
Twenty-eighth New York .....	.....	.....	834 00	.....	834 00
Fourth North Carolina .....	.....	.....	280 00	.....	280 08
Fifth North Carolina .....	.....	.....	.....	.....	.....
First Ohio	21,772 74	350 00	11,208 00	2,760 00	36,090 74
Tenth Ohio .....	.....	600 00	9,312 00	2,240 00	12,152 00
Eleventh Ohio	254,787 40	600 00	22,252 00	.....	277,639 40
Eighteenth Ohio	52,179 08	.....	21,792 00	1,440 00	75,411 08
Oregon .....	.....	.....	270 00	60 00	330 00
First Pennsylvania .....	.....	.....	1,958 00	2,800 00	4,758 00
Ninth Pennsylvania .....	.....	.....	126 00	126 00	126 00
Twelfth Pennsylvania .....	.....	.....	604 00	.....	604 00
Twenty-third Pennsylvania	42,846 60	600 00	14,324 00	2,880 00	60,650 60
South Carolina .....	.....	.....	2,202 00	1,800 00	4,002 00
Second Tennessee .....	.....	.....	260 00	.....	260 00
Fifth Tennessee .....	.....	.....	1,772 00	2,240 00	4,012 00
Third Texas	8,280 00	.....	3,730 00	3,780 00	16,790 00
Fourth Texas .....	.....	.....	1,060 00	1,680 00	2,740 00
Second Virginia .....	.....	.....	7,310 00	1,320 00	8,630 00
Sixth Virginia .....	.....	.....	1,636 00	.....	1,636 00
West Virginia .....	.....	.....	12,740 00	3,200 00	15,940 00
First Wisconsin .....	.....	.....	488 00	.....	488 00
Second Wisconsin .....	.....	.....	160 00	960 00	1,120 00
Total	\$2,032,926 67	\$16,225 00	\$385,245 25	\$83,704 52	\$2,518,101 44

The following table of production and total receipts from all oleomargarine sources for each fiscal year since November 1, 1886, the date the Oleomargarine Law took effect, is interesting as showing the extent of operations in the country:

	Total production, pounds.	Amount received.
On hand November 1, 1886	181,090	.....
During the fiscal year ended June 30th .....	.....	.....
1887 (from November 1, 1886)	21,513,537	\$723,948 04
1888	34,325,527	864,139 88
1889	35,664,026	894,247 91
1890	32,324,032	786,291 72
1891	44,392,409	1,077,924 14
1892	48,364,155	1,266,326 00
1893	67,224,298	1,670,643 50
1894	69,622,246	1,723,479 90
1895	56,958,105	1,409,211 18
1896	50,853,234	1,219,432 46
1897	45,531,207	1,034,129 60
1898	57,516,136	1,315,708 54
1899	83,130,474	1,956,618 56
1900	107,045,028	2,543,785 18
1901	104,943,856	2,518,101 44
Total	\$859,589,360	\$21,003,988 05

Monthly Average Price of Butter.

	Extra fresh.	Creamery held.	Eastern half firkins, tubs.	Best firkins.
1900.				
November	25	22 $\frac{3}{8}$	22 $\frac{1}{8}$	18 $\frac{1}{2}$
December	25 $\frac{1}{8}$	22 $\frac{3}{8}$	23 $\frac{1}{8}$	18 $\frac{1}{2}$
Average, 2 months	25 $\frac{1}{8}$	22 $\frac{3}{8}$	23 $\frac{1}{8}$	18 $\frac{1}{2}$
1901.				
January	22 $\frac{1}{2}$	20 $\frac{1}{8}$	20 $\frac{1}{8}$	17 $\frac{1}{8}$
February	22 $\frac{1}{2}$	19 $\frac{1}{8}$	20 $\frac{1}{8}$	15
March	22 $\frac{1}{2}$	19 $\frac{1}{8}$	21	14 $\frac{1}{2}$
April	21	16 $\frac{1}{8}$	19 $\frac{1}{8}$	.....
May	19	14 $\frac{1}{2}$	18	.....
June	19 $\frac{1}{2}$	14 $\frac{1}{2}$	18 $\frac{1}{8}$	.....
July	19 $\frac{1}{2}$	.....	18 $\frac{1}{8}$	.....
August	20 $\frac{3}{8}$	.....	18 $\frac{1}{8}$	.....
September	21	21 $\frac{3}{8}$	19 $\frac{1}{8}$	.....
October	22	21 $\frac{3}{8}$	20 $\frac{1}{2}$	.....
Average, 10 months	21	18 $\frac{3}{8}$	19 $\frac{1}{2}$	15 $\frac{1}{2}$

Monthly Average Price of Butter—(Continued).

	Best imitation creamery.	FACTORY.	
		Fresh.	Held.
1900.			
November.....	18	14½	15½
December.....	19	14½	14½
Average, 2 months.....	18½	14½	15½
1901.			
January.....	17½	13½	13½
February.....	17½	14½	13½
March.....	18½	14½	12½
April.....	17½	13½	12½
May.....	16½	13½	12½
June.....	16½	14½	13½
July.....	16½	15½	.....
August.....	16½	14½	15½
September.....	17	14½	15½
October.....	17½	14½	15½
Average, 10 months.....	17½	14½	13½

Monthly Average Price of Cheese.

	WHITE.		COLORED.	
	Large.	Small.	Large.	Small.
1900.				
November.....	10½	11	10½	11
December.....	11½	11½	11½	11½
Average, 2 months.....	11½	11½	11½	11½
1901.				
January.....	11½	11½	11½	11½
February.....	11½	12	11½	12½
March.....	11½	12½	11½	12½
April.....	10½	12	11½	12½
May.....	8½	8½	8½	8½
June.....	8½	9½	9	9½
July.....	9½	9½	9½	9½
August.....	9½	9½	9½	9½
September.....	9½	9½	9½	9½
October.....	9½	10½	9½	10½
Average, 10 months.....	9½	10½	9½	10½

Receipts from November 1, 1899, to October 31, 1900.

	BUTTER IN PACKAGES.		CHEESE IN BOXES.	
	Eastern.	Western.	Eastern.	Western.
1899.				
November	17,106	92,146	86,051	11,097
December	12,238	92,428	76,842	12,637
1900.				
January	11,229	127,147	44,648	10,516
February	8,620	107,912	29,662	9,451
March	12,180	126,683	38,467	17,296
April	14,252	131,122	68,323	17,727
May	20,235	167,909	99,943	17,071
June	24,588	252,119	174,307	22,061
July	16,797	232,608	185,688	21,873
August	14,905	173,364	151,006	18,775
September	13,605	131,508	119,669	12,598
October	14,235	136,600	128,335	21,094
Year.....	179,990	1,771,544	1,200,941	193,196

Receipts from November 1, 1900, to October 31, 1901.

	BUTTER IN PACKAGES.		CHEESE IN BOXES.	
	Eastern.	Western.	Eastern.	Western.
1900.				
November	15,303	104,982	103,902	16,663
December	13,275	123,900	85,815	13,301
1901.				
January	11,419	143,854	47,920	10,896
February	9,969	139,083	39,728	6,342
March	12,399	131,700	33,457	8,646
April	15,997	131,774	53,578	9,910
May	18,250	166,974	102,397	11,599
June	20,774	256,496	144,903	21,265
July	16,756	237,019	185,761	21,088
August	17,035	154,418	149,975	18,344
September	14,497	144,692	119,904	17,521
October	21,797	132,490	129,823	18,280
Year.....	187,471	1,867,283	1,197,163	173,855

Exports of Butter in Pounds.

	Port of New York.	All ports.
1899.		
November	454,550	618,786
December	417,586	493,861
1900.		
January	293,259	356,542
February	244,541	308,621
March	292,777	467,064
April	418,529	567,794
May	407,533	467,387
June	683,842	942,199
July	1,372,828	1,735,881
August	2,793,986	3,758,115
September	1,110,227	1,349,806
October	790,333	962,379
Year	9,285,991	12,029,435
1900.		
November	617,312	801,671
December	654,523	931,023
1901.		
January	1,937,377	2,398,141
February	2,709,709	3,325,060
March	1,697,821	2,184,554
April	1,018,552	1,299,775
May	884,169	1,567,941
June	1,648,195	2,333,296
July	1,352,157	2,643,564
August	1,187,487	1,732,760
September	903,466	1,440,850
October	1,202,864	1,624,434
Year	15,833,623	22,283,069

Exports of Cheese in Pounds.

	Port of New York.	All ports.
1899.		
November	654,974	966,503
December	1,399,524	1,646,756
1900.		
January	1,159,409	1,353,990
February	1,554,000	2,000,621
March	1,311,587	1,222,967
April	3,020,667	3,493,166
May	4,726,394	7,228,139
June	6,273,156	11,356,765
July	4,133,184	8,009,070
August	2,995,217	5,871,865
September	1,908,828	4,737,124
October	1,700,530	2,938,827
Year	30,837,470	50,825,783
1900.		
November	1,983,298	2,346,184
December	1,352,560	1,609,537
1901.		
January	1,200,409	1,324,526
February	1,456,978	1,571,464
March	617,253	701,192
April	567,675	623,614
May	2,615,700	3,835,928
June	3,095,493	5,541,336
July	2,845,558	4,660,245
August	2,255,792	4,282,034
September	1,593,129	3,104,690
October	1,495,908	2,538,755
Year	20,879,753	32,139,505

Exports of Oleomargarine in Pounds.

	Port of New York.	All ports.
1899.		
November	233,322	431,050
December	243,470	247,863
1900.		
January	193,912	277,107
February	213,613	239,295
March	340,962	377,222
April	219,714	224,822
May	285,131	308,451
June	288,365	422,243
July	239,268	274,188
August	217,277	436,653
September	280,752	314,269
October	253,804	268,660
Year	3,009,590	3,821,823
1900.		
November	275,570	313,048
December	342,966	414,785
1901.		
January	287,180	388,733
February	297,708	649,495
March	251,759	343,832
April	293,736	605,198
May	318,503	545,992
June	371,023	379,391
July	351,579	387,122
August	332,736	343,662
September	207,596	391,668
October	260,617	329,187
Year	3,590,973	5,092,113

**Receipts and Value of Butter Handled in New York City for Twenty
Years, Ending October 31, 1901.**

FOR THE YEAR ENDING OCTOBER 31, 1882.

Eastern, 44,215,900 pounds, valued at 29½ cents	
per pound	\$13,043,717 05
Western, 35,648,850 pounds, valued at 28 cents	
per pound	9,981,678 00
Total, 79,864,840 pounds, valued at.....	\$23,025,395 05

FOR THE YEAR ENDING OCTOBER 31, 1883.

Eastern, 4,804,060 pounds, valued at 26 cents per	
pound.....	\$11,649,055 60
Western, 45,743,850 pounds, valued at 26 cents	
per pound	10,978,524 00
Total, 90,547,910 pounds, valued at.....	\$22,627,579 60

FOR THE YEAR ENDING OCTOBER 31, 1884.

Eastern, 38,263,820 pounds, valued at $24\frac{1}{2}$ cents	
per pound	\$9,374,635 90
Western, 49,853,350 pounds, valued at $24\frac{1}{2}$ cents	
per pound	10,967,737 00
Total, 80,117,170 pounds, valued at.....	\$20,342,372 90

FOR THE YEAR ENDING OCTOBER 31, 1885.

Eastern, 39,480,350 pounds, valued at 22 cents	
per pound	\$8,685,677 90
Western, 54,086,500 pounds, valued at 22 cents	
per pound	10,817,300 00
Total, 93,566,850 pounds, valued at.....	\$19,502,977 00

FOR THE YEAR ENDING OCTOBER 31, 1886.

Eastern, 38,985,520 pounds, valued at $23\frac{1}{2}$ cents	
per pound	\$9,161,597 20
Western, 54,716,000 pounds, valued at $21\frac{1}{2}$ cents	
per pound	11,763,940 00
Total, 93,701,520 pounds, valued at.....	\$20,925,537 20
Deduct value of product handled in 1885.....	19,502,977 00
Total.....	\$1,422,560 20
Deduct value of increased receipts over 1885....	28,954 05
Net gain on same amount of receipts of butter over 1885	\$1,393,606 15
Total value of milk and cream handled in New York for the year ending October 31, 1886.....	\$8,160,750 00

FOR THE YEAR ENDING OCTOBER 31, 1887.

Eastern, 37,062,130 pounds, valued at 24 cents	
per pound	\$8,894,911 20
Western, 56,650,350 pounds, valued at 22 cents	
per pound	12,463,077 00
Total, 93,712,480 pounds, valued at.....	\$21,357,988 20

MILK AND CREAM.

Value of milk and cream.....	9,499,900 00
Total value of butter, milk and cream.....	\$30,857,888 20
Deduct value of butter, milk and cream handled in 1886.....	29,086,287 20
Net gain in 1887 over 1886.....	\$1,771,601 00
Add net gain in cheese of 1887 over 1886.....	687,843 00
Total net gain on butter, cheese, milk and cream handled in New York in 1887 over 1886.....	\$2,459,444 00

FOR THE YEAR ENDING OCTOBER 31, 1888, (DAIRY PRODUCTS).

BUTTER.

Eastern, 31,784,410 pounds, valued at $24\frac{1}{2}$ cents	
per pound	\$7,787,180 45
Western, 63,457,950 pounds, valued at $22\frac{1}{2}$ cents	
per pound	14,278,038 85
Total of butter handled.....	\$22,065,219 30

CHEESE.

Eastern, 98,877,955 pounds, valued at $10\frac{1}{2}$ cents	
per pound	\$10,362,185 27
Western, 3,636,360 pounds, valued at $8\frac{1}{2}$ cents	
per pound	309,167 10

In transit for export, 7,636,850 pounds, valued at

10 cents per pound..... \$763,685 00

Total, 110,152,065 pounds, valued at..... \$11,455,037 37

MILK AND CREAM.

Crude, gallons 58,678,360

Cream, gallons 1,191,940

Condensed milk (Pearl), gallons..... 71,830

Total (valued at \$9,652,500), gallons..... 60,622,160

Total value of butter handled..... \$22,065,219 30

Total value of cheese handled..... 11,455,037 37

Total value of milk and cream handled..... 9,652,500 00

Total..... \$43,172,756 67

FOR THE YEAR ENDING OCTOBER 31, 1889, (DAIRY PRODUCTS).

BUTTER.

Eastern, 30,626,610 pounds, valued at 23 cents

per pound \$7,024,120 30

Western, 77,820,650 pounds, valued at 21 cents

per pound 16,342,336 50

Total, 108,447,860 pounds, valued at..... \$23,366,456 80

CHEESE.

Eastern, 101,712,655 pounds, valued at 10 cents

per pound \$10,171,265 50

Western, 3,660,120 pounds, valued at 9 cents per

pound..... 329,410 80

Total, 105,373,755 pounds, valued at..... \$10,500,676 30

MILK AND CREAM.

Crude, gallons 64,213,870

Crude, gallons sold to condensers..... 15,000,000

Cream, gallons	1,322,840
Condensed milk, gallons (unsweetened).....	766,070
<hr/>	
Total (valued at \$11,675,500) gallons.....	81,302,780
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Total value of butter handled.....	\$23,386,456 80
Total value of cheese handled.....	10,500,676 30
Total value of milk, cream and condensed milk handled.....	11,675,500 00
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Total.....	\$45,562,633 10
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FOR THE YEAR ENDING OCTOBER 31, 1890, (DAIRY PRODUCTS).

BUTTER.

Eastern, 26,560,660 pounds, valued at 20 cents per pound	\$5,312,132 00
Western, 71,094,500 pounds, valued at 18 cents per pound	12,797,010 00
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Total, 97,655,160 pounds, valued at.....	\$18,109,142 00
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CHEESE.

Eastern, 102,118,115 pounds, valued at 9 $\frac{3}{4}$ cents per pound	\$9,956,516 22
Western, 3,483,090 pounds, valued at 8 cents per pound.....	278,647 20
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Total, 105,601,205 pounds, valued at.....	\$10,235,163 42
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MILK AND CREAM.

Crude, gallons	62,852,940
Crude, gallons sold to condensers.....	16,500,000
Cream, gallons	1,373,220
Condensed milk, gallons (unsweetened).....	693,670
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Total (valued at \$12,085,000) gallons.....	81,419,830
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Total value of butter handled	\$18,109,142 00
Total value of cheese handled.....	10,235,163 42
Total value of milk, cream and condensed milk handled.....	12,085,000 00
Total.....	<u>\$40,429,305 42</u>

FOR THE YEAR ENDING OCTOBER 31, 1891, (DAIRY PRO-
DUCTS).

BUTTER.

Eastern, 395,301 packages of 70 pounds (average) 27,671,070 pounds, valued at 21 cents per pound.....	\$6,364,346 10
Western, 1,408,324 packages of 50 pounds (aver- age), 27,671,070 pounds, valued at 21 cents per pound.....	14,787,402 00
Total pounds, 98,087,870, valued at.....	<u>\$21,151,748 10</u>

CHEESE.

Eastern, 86,958,200 pounds, valued at 10 cents per pound	\$8,695,820 00
Western, 3,331,950 pounds, valued at 9 cents per pound.....	299,875 50
Total pounds, 90,290,150, valued at.....	<u>\$8,995,695 50</u>

MILK AND CREAM.

Crude, gallons	63,057,660
Crude, gallons sold to condensers.....	17,500,000
Cream, gallons	1,441,930
Condensed milk, gallons (unsweetened).....	699,890
Total (valued at \$14,128,677) gallons.....	<u>82,699,480</u>

Total value of butter handled	\$21,151,748 10
Total value of cheese handled.....	8,995,696 50
Total value of milk, cream and condensed milk handled.	14,128,677 00
Total.	<u>\$44,276,121 60</u>

FOR THE YEAR ENDING OCTOBER 31, 1892, (DAIRY PRODUCTS).

BUTTER.

Eastern, 414,765 packages of 70 pounds (average), 29,032,930 pounds, valued at 24 cents per pound.	\$6,967,900 00
Western, 1,248,412 packages of 50 pounds (average), 62,420,600 pounds, valued at 24 cents per pound.	13,732,532 80
Total pounds, 91,453,520, value	<u>\$20,700,432 80</u>

CHEESE.

Eastern, 91,033,950 pounds, valued at 11 cents per pound	\$10,013,734 50
Western, 4,756,510 pounds, valued at 10 cents per pound	473,651 00
Total pounds, 93,770,310, valued at.....	<u>\$10,487,385 50</u>

MILK AND CREAM.

Crude, gallons	70,403,420
Crude, gallons sold to condensers.....	18,000,000
Cream, gallons	1,826,890
Condensed milk (unsweetened), gallons.....	616,900
Total (valued at \$15,116,668.72) gallons.....	<u>90,847,210</u>
Total value of butter handled.....	\$20,700,432 80
Total value of cheese handled.....	10,487,385 50
Total value of milk, cream and condensed milk handled.	15,116,668 72
Total.	<u>\$46,304,487 02</u>

FOR THE YEAR ENDING OCTOBER 31, 1893, (DAIRY PRODUCTS).

BUTTER.

Eastern, 430,387 packages of 70 pounds (average), 30,126,460 pounds	\$7,531,615 00
Western, 1,184,708 packages of 50 pounds (average), 59,235,400 pounds, valued at 23 cents per pound.	13,624,042 00
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Total pounds, 89,361,860, valued at.....	\$21,155,657 00
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CHEESE.

Eastern, 87,380,645 pounds, valued at 11 cents per pound	\$9,611,870 95
Western, 4,565,205 pounds, valued at 10 cents per pound	456,520 50
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Total pounds, 91,945,850, valued at.....	\$10,068,391 45
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MILK AND CREAM.

Crude, gallons	72,460,500
Crude, gallons sold to condensers.....	18,000,000
Cream, gallons	2,037,400
Condensed milk (unsweetened), gallons.....	537,850
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Total (valued at \$16,249,854.50) gallons.....	93,035,750
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Total value of butter handled.....	\$21,155,657 00
Total value of cheese handled	10,068,391 45
Total value of milk, cream and condensed milk handled.	16,249,854 50
<hr/>	
Total.	\$47,473,902 95
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FOR THE YEAR ENDING OCTOBER 31, 1894, (DAIRY PRODUCTS).

BUTTER.

Eastern, 341,705 packages of 70 pounds (average), 23,719,350 pounds, valued at 23 cents per pound.	\$5,501,450 50
Western, 1,372,565 packages of 50 pounds (average), 88,628,150 pounds, valued at 21 cents per pound.	14,411,911 50
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Total pounds, 92,548,500, valued at.....	\$19,913,362 00
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CHEESE.

Eastern, 80,671,755 pounds, valued at 10 cents per pound	\$8,067,175 50
Western, 6,384,550 pounds, valued at 9 cents per pound.	574,609 50
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Total pounds, 87,533,905, valued at.....	\$8,641,785 00
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MILK AND CREAM.

Crude, gallons	74,172,560
Crude, gallons sold to condensers.....	18,000,000
Cream, gallons	2,043,750
Condensed milk (unsweetened), gallons.....	633,870
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Total (valued at \$16,107,648) gallons.....	94,850,180
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Total value of butter handled	\$19,913,362 00
Total value of cheese handled.....	8,641,785 00
Total value of milk, cream and condensed milk handled.	16,107,648 00
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Total.	\$44,662,795 00
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FOR THE YEAR ENDING OCTOBER 31, 1895, (DAIRY PRODUCTS).

BUTTER.

Eastern, 26,742 packages of 70 pounds (average), 18,601,940 pounds, valued at 20 cents per pound.	\$3,720,388 00
Western, 1,522,881 packages of 50 pounds (average), 76,144,050 pounds, valued at 19 cents per pound.	14,467,369 50
Total, 94,745,990 pounds, valued at.....	\$18,187,757 50

CHEESE.

Eastern, 61,255,920 pounds, valued at 9½ cents per pound	\$5,819,183 90
Western, 5,977,500 pounds, valued at 8½ cents per pound.	508,087 50
Total value	\$6,327,271 40

MILK AND CREAM.

Crude, quarts	309,643,600
Crude, quarts sold to condensers.....	72,000,000
Cream, quarts	8,885,040
Condensed milk (unsweetened), quarts.....	2,974,440
Total (valued at \$16,778,823.49) quarts.....	393,503,080
Total value of butter handled.....	\$18,187,757 50
Total value of cheese handled.....	6,327,271 40
Total value of milk, cream and condensed milk handled.	16,778,823 49
Total.	\$41,293,852 39

FOR THE YEAR ENDING OCTOBER 31, 1896, (DAIRY PRODUCTS).

BUTTER.

Eastern, 236,309 packages of 70 pounds (average), 16,541,630 pounds, valued at 18 cents per pound.	\$2,977,493 40
Western, 1,645,017 packages of 50 pounds (average), 96,150,850 pounds, valued at 18 cents per pound.	16,345,644 50
Total, 11,692,480 pounds, valued at.....	<u>\$19,323,137 90</u>

CHEESE.

Eastern, 59,133,120 pounds, valued at $9\frac{1}{2}$ cents per pound	\$5,617,645 40
Western, 5,588,520 pounds, valued at $8\frac{1}{2}$ cents per pound	475,024 20
Total, 64,721,640 pounds, valued at.....	<u>\$6,092,669 60</u>

MILK AND CREAM.

Crude, quarts	316,111,280
Crude, quarts sold to condensers.....	75,000,000
Cream, quarts	8,859,440
Condensed milk (unsweetened), quarts.....	3,205,960
Total (valued at \$15,781,881.20) quarts.....	<u>403,176,680</u>
Total value of butter handled.....	\$19,493,137 90
Total value of cheese handled.....	6,092,669 60
Total value of milk, cream and condensed milk handled.	15,781,881 20
Total.....	<u>\$41,367,688 70</u>

FOR THE YEAR ENDING OCTOBER 31, 1897, (DAIRY PRODUCTS).

BUTTER.

Eastern, 209,808 packages of 70 pounds (average), 14,686,560 pounds, valued at 18 cents per pound.	\$2,642,580 80
Western, 1,964,675 packages of 50 pounds (aver- age), 98,233,750 pounds, valued at 17 cents per pound.	16,699,737 50
<hr/>	
Total, 112,920,310 pounds, valued at.	\$19,342,318 20
<hr/>	

CHEESE.

Eastern, 66,598,300 pounds, valued at 10 cents per pound	\$6,659,830 00
Western, 5,699,080 pounds, valued at 9 cents per pound.	512,917 20
<hr/>	
Total, 72,297,380 pounds, valued at.	\$7,172,747 20
<hr/>	

MILK AND CREAM.

Crude, quarts	328,795,480
Crude, quarts sold to condensers.	75,000,000
Cream, quarts	9,331,840
Condensed milk (unsweetened), quarts.	2,406,920
<hr/>	
Total (valued at \$15,972,841.42) quarts.	415,534,240
<hr/>	
Total value of butter handled.	\$19,342,318 30
Total value of cheese handled.	7,172,747 20
Total value of milk, cream and condensed milk handled.	15,872,906 92
<hr/>	
Total	\$42,387,972 42
<hr/>	

FOR THE YEAR ENDING OCTOBER 31, 1898, (DAIRY PRODUCTS).

BUTTER.

Eastern, 220,313 packages of 70 pounds (average), 15,421,910, valued at 19 cents per pound.....	\$2,930,162 90
Western, 1,748,682 packages of 50 pounds (average), 87,434,100 pounds, valued at 18 cents per pound.	15,738,138 00
	<hr/>
Total, 102,856,010 pounds, valued at.....	\$18,668,300 90
	<hr/> <hr/>

CHEESE.

Eastern, 66,812,700 pounds, valued at 8 cents per pound.	\$5,345,016 00
Western, 4,072,320 pounds, valued at 7 cents per pound.	285,062 40
	<hr/>
Total, 70,885,020 pounds, valued at.....	\$5,630,078 40
	<hr/> <hr/>

MILK AND CREAM.

Crude, quarts	349,545,000
Crude, quarts sold to condensers.....	80,000,000
Cream, quarts	10,630,440
Condensed milk (unsweetened), quarts.....	3,146,760
	<hr/>
Total (valued at \$17,458,769.46) quarts.....	443,322,200
	<hr/> <hr/>
Total value of butter handled.....	\$18,668,300 90
Total value of cheese handled.....	5,630,078 40
Total value of milk, cream and condensed milk handled.	17,458,769 46
	<hr/>
Total.....	\$41,757,148 76
	<hr/> <hr/>

FOR THE YEAR ENDING OCTOBER 31, 1899, (DAIRY PRODUCTS).

BUTTER.

Eastern, 217,299 packages of 70 pounds (average), 15,210,930 pounds, valued at 18 cents per pound	\$2,737,967 40
Western, 1,773,075 packages of 50 pounds (average), 88,653,750 pounds, valued at 19 cents per pound.	16,844,212 50
	<hr/>
Total, 103,864,680 pounds, valued at.....	\$19,582,179 90
	<hr/> <hr/>

CHEESE.

Eastern, 58,773,330 pounds, valued at 10 cents per pound.	\$5,877,333 00
Western, 5,310,560 pounds, valued at 9 cents per pound.	477,950 40
	<hr/>
Total, 64,083,890 pounds, valued at.....	\$6,355,283 40
	<hr/> <hr/>

MILK AND CREAM.

Crude, quarts	363,070,760
Crude, quarts sold to condensers.....	84,800,000
Cream, quarts	12,734,800
Condensed milk (unsweetened), quarts.....	3,330,360
	<hr/>
Total (valued at \$18,370,317) quarts.....	463,935,920
	<hr/> <hr/>
Total value of butter handled.....	\$19,582,179 90
Total value of cheese handled.....	6,355,283 40
Total value of milk, cream and condensed milk handled.	18,370,317 00
	<hr/>
Total.....	\$44,307,780 30
	<hr/> <hr/>

FOR THE YEAR ENDING OCTOBER 31, 1900, (DAIRY PRODUCTS).

BUTTER.

Eastern, 179,990 packages of 60 pounds (average), 10,799,400 pounds, valued at 20½ cents per pound.	\$2,213,877 00
Western, 1,771,544 packages of 60 pounds (average), 106,292,640 pounds, valued at 20½ cents per pound	21,789,991 20
Total, 117,092,040 pounds, valued at.....	<u>\$24,003,868 20</u>

CHEESE.

Eastern, 66,051,755 pounds, valued at 11 cents per pound.	\$7,265,693 05
Western, 7,727,840 pounds, valued at 10 cents per pound.	772,784 00
Total, 73,779,595 pounds, valued at.....	<u>\$8,038,477 05</u>

MILK AND CREAM.

Crude, quarts	371,447,800
Crude, sold to condensers, quarts.....	87,344,000
Cream and condensed milk (unsweetened), quarts	16,998,520
Total (valued at \$20,594,530) quarts.....	<u>475,790,320</u>
Total value of butter handled	\$24,003,868 20
Total value of cheese handled.....	8,038,477 05
Total value of milk, cream and condensed milk handled.	20,594,530 00
Total.....	<u>\$52,636,875 25</u>

FOR THE YEAR ENDING OCTOBER 31, 1901, (DAIRY PRODUCTS).

BUTTER.

Eastern, 187,471 packages of 60 pounds (average), 11,248,260 pounds, valued at $19\frac{1}{2}$ cents per pound.	\$2,193,410 70
Western, 1,867,382 packages of 50 pounds (average), 93,369,100 pounds, valued at $19\frac{1}{2}$ cents per pound.	18,206,974 50
Total, 104,617,360 pounds, valued at.	<u>\$20,400,385 20</u>

CHEESE.

Eastern, 65,843,965 pounds, valued at $10\frac{1}{2}$ cents per pound	\$6,913,616 32
Western, 6,954,200 pounds, valued at 10 cents per pound	695,420 00
Total, 72,798,165 pounds, valued at.	<u>\$7,609,036 32</u>

MILK.

Cans of crude milk of 40 quarts each.	9,621,572
Cans of cream and unsweetened condensed milk of forty quarts each.	449,332

There is also produced within the State of New York and sold during the year to condensers, most of which reaches the New York market, estimated to be not less than 2,249,108 cans of 40 quarts each.

Value of crude milk handled.	\$13,662,632 24
Value of cream and unsweetened condensed milk handled.	3,030,744 34
Value of crude milk sold to condensers.	3,193,733 36
Total value	<u>\$19,887,109 94</u>

Total value of butter handled.....	\$20,400,385	20
Total value of cheese handled.....	7,609,036	32
Total value of dairy products handled during the year 1901.	47,896,531	46
Total value of dairy products handled during the year 1900	52,636,875	25
Total decrease in value of dairy products handled compared with 1900.....	4,740,343	79

The following statistics, giving the value of Eastern dairy products handled in New York city for the past twelve years, show an increase in value annually from 1890 to 1895, and a decrease in 1894, 1895, 1896 and 1897, and an increase in 1898, 1899, 1900, and decrease in 1901:

TOTAL YEARLY VALUE OF PRODUCTS HANDLED,
1890-1901.

EASTERN.

1890	\$27,351,657	22
1891	29,189,943	10
1892	32,148,404	92
1893	33,392,740	45
1894	29,676,274	00
1895	26,318,395	39
1896	24,377,020	00
1897	25,175,252	22
1898	25,733,938	36
1899	26,985,617	40
1900	30,074,100	05
1901	28,994,136	96

WESTERN.

1890	\$13,075,657	20
1891	15,087,277	50
1892	14,206,083	00
1893	14,080,562	50

1894	\$14,986,521 00
1895	16,975,456 50
1896	16,990,668 70
1897	16,699,732 50
1898	16,023,200 40
1899	17,322,162 90
1900	22,562,775 20
1901	18,902,394 20

Exports of Butter and Cheese.

The following statistics, taken from the records of the New York Mercantile Exchange, show the exports of butter and cheese each year since November 1, 1883:

BUTTER.

	Pounds.
From the port of New York, 1883.....	18,811,400
From the port of New York, 1884.....	15,865,600
From the port of New York, 1885.....	14,601,550
From the port of New York, 1886.....	11,677,750
From the port of New York, 1887.....	9,933,400
From the port of New York, 1888.....	7,000,650
From the port of New York, 1889.....	19,941,176
From the port of New York, 1890.....	20,623,534
From the port of New York, 1891.....	11,115,505
From the port of New York, 1892.....	9,083,478
From the port of New York, 1893.....	5,336,449
From the port of New York, 1894.....	8,288,670
From the port of New York, 1895.....	11,133,747
From the port of New York, 1896.....	18,540,091
From the port of New York, 1897.....	25,757,263
From the port of New York, 1898.....	8,646,282
From the port of New York, 1899.....	19,106,563
From the port of New York, 1900.....	9,285,991
From the port of New York, 1901.....	15,833,632
From all ports in the United States, 1883.....	22,375,708
From all ports in the United States, 1884.....	21,391,196

	Pounds.
From all ports in the United States, 1885.....	19,593,872
From all ports in the United States, 1886.....	14,404,727
From all ports in the United States, 1887.....	12,531,171
From all ports in the United States, 1888.....	8,749,366
From all ports in the United States, 1889.....	25,983,054
From all ports in the United States, 1890.....	23,895,914
From all ports in the United States, 1891.....	14,970,538
From all ports in the United States, 1892.....	11,351,250
From all ports in the United States, 1893.....	6,837,289
From all ports in the United States, 1894.....	10,231,417
From all ports in the United States, 1895.....	13,935,017
From all ports in the United States, 1896.....	23,335,729
From all ports in the United States, 1897.....	35,631,967
From all ports in the United States, 1898.....	13,160,296
From all ports in the United States, 1899.....	28,064,780
From all ports in the United States, 1900.....	12,029,435
From all ports in the United States, 1901.....	22,283,069

CHEESE.

	Pounds.
From the port of New York, 1883.....	97,897,850
From the port of New York, 1884.....	96,634,256
From the port of New York, 1885.....	82,934,750
From the port of New York, 1886.....	78,763,400
From the port of New York, 1887.....	72,529,500
From the port of New York, 1888.....	75,840,700
From the port of New York, 1889.....	75,046,326
From the port of New York, 1890.....	70,208,270
From the port of New York, 1891.....	61,299,205
From the port of New York, 1892.....	67,432,651
From the port of New York, 1893.....	53,293,060
From the port of New York, 1894.....	52,903,719
From the port of New York, 1895.....	30,692,702
From the port of New York, 1896.....	25,947,401
From the port of New York, 1897.....	42,514,776
From the port of New York, 1898.....	24,180,428

	Pounds.
From the port of New York, 1899.....	18,613,484
From the port of New York, 1900.....	30,837,470
From the port of New York, 1901.....	20,879,753
From all ports in the United States, 1883.....	111,973,140
From all ports in the United States, 1884.....	111,950,686
From all ports in the United States, 1885.....	95,047,243
From all ports in the United States, 1886.....	86,636,685
From all ports in the United States, 1887.....	87,069,804
From all ports in the United States, 1888.....	81,595,304
From all ports in the United States, 1889.....	98,140,486
From all ports in the United States, 1890.....	91,014,571
From all ports in the United States, 1891.....	77,148,794
From all ports in the United States, 1892.....	81,589,361
From all ports in the United States, 1893.....	67,925,712
From all ports in the United States, 1894.....	68,607,186
From all ports in the United States, 1895.....	40,610,242
From all ports in the United States, 1896.....	37,515,798
From all ports in the United States, 1897.....	61,176,207
From all ports in the United States, 1898.....	39,396,810
From all ports in the United States, 1899.....	35,396,810
From all ports in the United States, 1900.....	50,825,783
From all ports in the United States, 1901.....	32,139,505

The total receipts of cheese in the city of New York during the year ending October 31, 1898, were 88,488,380 pounds, of which 42,514,776 pounds were exported, leaving for home trade 45,953,604 pounds, being 8,865,699 pounds more than the previous year for home consumption.

The total receipts of cheese in the city of New York during the year ending October 31, 1898, were 70,886,020 pounds, of which 24,180,428 pounds were exported, leaving for home trade 46,704,592 pounds, being 750,988 pounds more than the previous year for home consumption.

The total receipts of cheese in the city of New York during the year ending October 31, 1899, were 64,085,890 pounds, of which 18,613,484 pounds were exported, leaving for home trade

45,470,406 pounds, being 1,234,186 pounds less for our home trade than the previous year.

The total receipts of cheese in the city of New York during the year ending October 31, 1900, were 73,779,595 pounds, of which 30,837,470 pounds were exported, leaving for home trade 42,942,125 pounds, being 2,528,281 pounds less for home trade than the previous year.

The total receipts of cheese in the city of New York during the year ending October 31, 1891, were 72,798,165 pounds, of which 20,879,753 pounds were exported, leaving for home trade 51,918,412 pounds, being 8,976,287 pounds more for home trade than the previous year.

SERVICES—VINEGAR.

INSPECTOR.	Number of days.	Number of inspections.	Estimated miles traveled.
Henry H. Kracke.....	8	835	320
John McGuire.....	15	1,125	610
Arch. D. Clark.....	15	1,300	795
J. M. Esmay.....	25	1,465	1,000
Charles Sears.....	22	1,930	1,050
William J. Gentes.....	15	1,020	800

SERVICES—MILK.

INSPECTOR.	Number of days.	Cans inspected.	Estimated miles traveled.
Charles Sears.....	70	21,240	3,650
J. M. Esmay.....	50	21,120	4,550
Arch. D. Clark.....	61	20,630	4,110
Henry H. Kracke.....	65	19,190	4,500
John McGuire.....	65	20,830	4,020
William J. Gentes.....	55	21,990	4,700

SERVICES—OLEOMARGARINE.

INSPECTOR.	Number of days.	Samples purchased and taken.	Estimated miles traveled.
Henry H. Kracke.....	232	538	8,510
John McGuire.....	220	512	8,406
J. M. Esmay.....	230	530	7,680
Arch. D. Clark.....	209	505	7,070
Charles Sears.....	211	490	7,820
William J. Gentes.....	235	536	7,200

ANALYSES—VINEGAR.

ANALYZER.	Samples analyzed.	Appearances in cases.	Days in court.
Edward G. Love, Ph.C.....	7	.....	.....
Joseph F. Geisler, Ph.C.....	11	1	1

ANALYSES—MILK.

ANALYZER.	Samples analyzed.	Appearances in cases.	Days in court.
Edward G. Love, Ph.C.....	44	18	18
Joseph F. Geisler, Ph.C.....	22	13	8

ANALYSES—OLEOMARGARINE.

ANALYZER.	Samples analyzed.	Appearances in cases.	Days in court.
Edward G. Love, Ph.C.....	69	42	35
Joseph F. Geisler, Ph.C.....	82	47	34

ANALYSES—CONDENSED MILK.

ANALYZER.	Samples analyzed.
Joseph F. Geisler, Ph.C.....	3

ANALYSES—MAPLE SYRUP.

ANALYZER.	Samples analyzed.
Joseph F. Geisler, Ph.C.....	1

VINEGAR—SUMMARY OF WORK.

Number of days in court, experts and chemists.....	9
Number of days obtaining evidence.....	6
Number of days on special duty.....	1
Number of days inspecting retail stores.....	65
Number of days inspecting wholesale stores and manufactories.....	19
Total number of days.....	100

Number of wholesale stores and manufactories inspected.....	108
Number of barrels and casks of vinegar inspected.....	2,950
Number of retail stores, vinegar inspected.....	2,980
Number of barrels and casks of vinegar inspected.....	4,725

Total number of vinegar inspections.....	7,670
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Number of samples purchased and taken.....	109
Number of samples delivered to chemists.....	16
Number of complaints made.....	15
Number of appearances in cases.....	35
Estimated number of miles traveled.....	4,575
Number of analyses of samples of vinegar.....	17
Number of civil penalty actions.....	2
Number of civil penalties imposed.....	1
Number of cases awaiting trial.....	1
Number of cases disposed of.....	1

SERVICES—LINSEED OIL.

Arch. D. Clark:

Total number of days.....	18
Number of complaints made.....	13
Number of appearances in cases.....	24
Number of barrels and packages of oil inspected.....	44
Estimated number of miles traveled.....	690

SUMMARY OF WORK.

Number of civil penalty actions.....	7
Civil penalties imposed.....	2
Cases disposed of.....	2
Cases awaiting trial.....	5

MILK—SUMMARY OF WORK.

Number of days in court, experts and chemists.....	71
Number of days obtaining evidence.....	35
Number of days inspecting milk.....	254
Number of days on special duty.....	21
Number of days inspecting herds.....	11

Total number of days.....	366
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Number of pedlers' milk inspected.....	2,047
Number of cans inspected.....	10,520
Number of dairies and creameries' milk inspected on delivery from railroads and steamboats	14,953
Number of cans inspected.....	114,480
Total cans inspected.....	125,000
Number of inspection of stables.....	62
Number of cows inspected.....	2,478
Number of samples delivered to chemists.....	66
Number of samples of milk and condensed milk taken.....	97
Number of complaints made, milk and condensed milk.....	74
Number of appearances in cases.....	223
Estimated number of miles traveled.....	25,530
Number of analyses of samples of milk.....	62

Number of cases prosecuted criminally.....	1
Number of civil penalty actions.....	56
Number of cases discontinued.....	1
Number of cases dismissed on examination.....	1
Number of convictions.....	1
Number of civil penalties imposed.....	40
Number of cases awaiting trial.....	14
Number of cases disposed of.....	43

OLEOMARGARINE—SUMMARY OF WORK.

Number of days in court, experts and chemists.....	209
Number of days obtaining evidence.....	35
Number of days on special duty.....	55
Number of days inspecting stores and bakeries.....	790
Number of days visiting hotels, restaurants and boarding houses.....	317
Total number of days.....	1,337

Number of samples purchased and taken.....	3,111
Number of samples delivered to chemist.....	165
Number of evenings obtaining samples.....	174
Number of complaints made.....	155
Number of appearances in cases.....	760
Number of stores and bakeries inspected.....	39,748
Number of hotels, restaurants and boarding houses visited.....	5,444
Estimated number of miles traveled.....	46,686
Number of samples of oleomargarine and butter samples.....	151
Number of cases prosecuted criminally.....	32
Number of civil penalty actions.....	58
Number of cases disposed of.....	74
Number of cases sentence suspended.....	3
Number of civil penalties imposed.....	40
Number of convictions.....	25
Number of cases defendant absconded, criminal.....	5
Number of cases awaiting trial.....	15
Discontinued	3
Bail forfeited	1
Decision reserved	1

Cases remaining September 30, 1900.

The final result of prosecutions under the laws relating to oleomargarine, adulterated milk, vinegar and miscellaneous cases for the year ending September 30, 1901, were as follows:

Oleomargarine cases	30
Milk cases	17
Vinegar cases	4
Miscellaneous cases	6
Oleomargarine cases prosecuted during the year ending September 30, 1901.....	90
Milk cases prosecuted during the year ending September 30, 1901.....	57
Vinegar cases prosecuted during the year ending September 30, 1901.....	2
Miscellaneous cases prosecuted during the year ending September 30, 1901.....	24
Total number of cases.....	230

Number of convictions	28
Civil penalties imposed.....	100
Cases awaiting trial.....	72
Decision reserved	1
Bail forfeited	1
Absconded	5
Dismissed	7
Discontinued	9
Defendant deceased	1
Acquitted	1

PROSECUTIONS—LINSEED OIL.

Number of case.	Court.	Warrant issued or summons served.	Final disposition.
11	Second District Municipal Court, Long Island City....	July 6, 1901	Pending.
12	Second District Municipal Court, Newtown, L. I.....	July 6, 1901	Pending.
21	Second District Municipal Court, Newtown, L. I.....	July 6, 1901	Pending.
24	First District Municipal Court, Long Island City....	July 19, 1901	Pending.
14	Second District Municipal Court, Newtown, L. I.....	July 6, 1901	\$100 and costs.
16	Second District Municipal Court, Newtown, L. I.....	July 6, 1901	Pending.
27	First District Municipal Court, Long Island City....	July 15, 1901	Pending.

PROSECUTIONS—VINEGAR.

Number of case.	Court.	Warrant issued or summons served.	Final disposition.
2468	Third District Municipal Court, New York City.....	Sept. 1, 1901	Pending.
931	Supreme Court, New York County.....	Aug. 1, 1901	\$100 and costs.

Status and final disposition of vinegar cases previously reported.

Case No.	Court.	Place.	Remarks.
2574	Supreme....	Kings county.....	Discontinued.
2623	Supreme....	New York county	Action discontinued November 10, 1900, on payment of \$100 penalty and costs and permanent injunction entered restraining the repetition of the offence.
2608	Supreme....	Kings county.....	Action discontinued October 24, 1900, on payment of civil penalty of \$100 and costs.
2614	Supreme...	Kings county.....	Case still pending.

PROSECUTIONS—MILK.

Number of case.	Court.	Warrant issued or summons served.	Final disposition.
8685	Supreme Court, New York County.....	Aug. 1, 1901	Pending.
8678	.....	Sept. 20, 1901	Penalty, \$50.
8676	First District Municipal Court, New York City.....	Oct. 21, 1900	\$100 and costs.
8674	Supreme Court, Kings County.....	Oct. 10, 1900	\$80 and costs.
8768	Supreme Court, New York County.....	Sept. 16, 1901	Pending.
8785	Supreme Court, New York County.....	.....	\$50 and costs.
8695	Supreme Court, New York County.....	Sept. 16, 1901	Pending.
8730	Supreme Court, New York County.....	Sept. 16, 1901	Pending.
8680	Sixth District Municipal Court, New York City.....	Aug. 31, 1901	Pending.
8715	Supreme Court, New York County.....	Sept. 16, 1901	Pending.

Number of case.	Court.	Warrant issued or sum- mons served.	Final disposition.
8740	Supreme Court, New York County.....	Sept. 30, 1901	\$100 and costs.
8761	Fifth District Municipal Court, Brooklyn.....	Aug. 26, 1901	\$200 and costs.
8731	Supreme Court, New York County.....	Sept. 17, 1901	Pending.
8770	Supreme Court, New York County.....	Sept. 30, 1901	Pending.
8743	Seventh District Municipal Court, New York City....	Aug. 21, 1901	\$100 and costs.
8727	Supreme Court, Kings County.....	Sept. 16, 1901	Pending.
8686	Seventh District Municipal Court, New York City....	Aug. 20, 1901	Pending.
8737	Supreme Court, New York County.....	Sept. 16, 1901	Pending.
8712	.....	Sept. 30, 1901	Penalty, \$50.
8684	Seventh District Municipal Court, New York City....	Sept. 4, 1901	\$100 and costs.
8883	Supreme Court, New York County.....	Oct. 29, 1900	Pending.
7647	Supreme Court, New York County.....	Oct. 13, 1900	\$50 and costs.
8756	Supreme Court, New York County.....	Oct. 10, 1900	Penalty, \$100.
8706	Tenth District Municipal Court, New York City.....	Oct. 24, 1900	\$100 and costs.
8892	Supreme Court, New York County.....	Oct. 6, 1900	\$50 and costs.
8760	First District Municipal Court, Brooklyn.....	Oct. 16, 1900	\$100 and costs.
8805	Tenth District Municipal Court, New York City.....	Oct. 24, 1900	\$50 and costs.
8679	Supreme Court, New York County.....	Oct. 6, 1900	\$50 and costs.
8697	.....	Nov. 21, 1900	Penalty, \$60.
8677	Supreme Court, New York County.....	Oct. 29, 1900	\$50 and costs.
8669	First District Municipal Court, Brooklyn.....	Oct. 28, 1900	\$100 and costs.
8752	Supreme Court, New York County.....	Oct. 20, 1900	Penalty, \$100.
8698	Supreme Court, New York County.....	Oct. 5, 1900	\$50 and costs.
8717	Sixth District City Magistrate's Court, New York City	Dec. 3, 1900	Fined \$50.
8882	Supreme Court, New York County.....	Oct. 5, 1900	\$50 and costs.
8757	Supreme Court, Kings County.....	Oct. 5, 1900	\$50 and costs.
8755	Supreme Court, New York County.....	Oct. 5, 1900	\$50 and costs.
8671	.....	Dec. 1, 1900	Penalty, \$50.
8738	Supreme Court, New York County.....	Sept. 16, 1901	Pending.
8739	Supreme Court, New York County.....	Sept. 26, 1901	\$90 and costs.
8689	Second District Municipal Court, Brooklyn.....	Nov. 28, 1900	Deceased.
7673	Supreme Court, Kings County	Oct. 4, 1900	Pending.
8661	Supreme Court, New York County.....	Oct. 12, 1900	\$75 and costs.
8683	Supreme Court, Kings County	Oct. 24, 1900	\$50 and costs.
8759	Supreme Court, Kings County	Oct. 18, 1900	\$50 and costs.
8896	Supreme Court, Kings County	Oct. 6, 1900	\$50 and costs.
8763	Supreme Court, New York County.....	July 1, 1901	Penalty, \$50.

Total number of cases during the year.....	348
Oleomargarine	132
Milk	53
Condensed milk.....	16
Vinegar	8
Maple syrup.....	1
Bob veal.....	138

Status and final disposition of milk cases previously reported.

Case No.	Court.	Place.	Called for trial.	Remarks.
8931	Supreme	Kings county.....	.....	Action discontinued November 13, 1900, on payment of civil penalty of \$50 and costs.
8868	9th District Municipal.....	New York City.....	October 3, 1900	Action discontinued October 2, 1900, on payment of civil penalty of \$50.
8877	1st District Municipal.....	New York City.....	October 1, 1900	Judgment for defendant; case awaiting argument on appeal.
4645	Grand Jury.....	Staten Island.....	October 1, 1900	Not indicted.
4847	Grand Jury.....	Staten Island.....	October 1, 1900	Not indicted.
8874	4th District Municipal.....	New York City.....	January 14, 1901	Judgment rendered in favor of plaintiff for \$50 and costs.
8884	7th District Municipal.....	New York City.....	May 2, 1901	Dismissed.
8878	Special Sessions.....	New York City.....	November 2, 1900	Tried, convicted, fined \$150.
8945	Supreme	Kings county.....	.....	Action discontinued October 5, 1900, on payment of civil penalty of \$25 and costs.
8888	Supreme	Kings county.....	October 25, 1900	Judgment for plaintiff for \$100 penalty and costs.
8935	5th District Municipal.....	New York City.....	February 13, 1901	Judgment for defendant.
8653	11th District Municipal.....	New York City.....	December 6, 1900	Trial, judgment for plaintiff for \$50 penalty and costs.
8912	Supreme	New York county.....	July 12, 1901	Judgment taken by default in favor of plaintiff for \$100 penalty.
7865	Supreme	Kings county.....	.....	Awaiting trial.
7833	Supreme	Kings county.....	.....	Awaiting trial.
4584	Supreme	New York county.....	May 29, 1901	Trial by jury; judgment favor of defendant with costs.
7605	Supreme	New York county.....	June 3, 1901	Case dismissed.

PROSECUTIONS—OLEOMARGARINE.

Number of case.	Court.	Warrant issued or summons served.	Final disposition.
2872	Third District Municipal Court, Brooklyn.....	Nov. 15, 1900	\$50 and costs.
4624	Supreme Court, New York County.....	Jan. 24, 1901	\$25 and costs.
3269	Second District City Magistrate's Court, New York City	Mar. 13, 1901	Fined \$50.
2829	Second District City Magistrate's Court, Brooklyn....	Nov. 30, 1900	Fined \$25.
4318	Second District City Magistrate's Court, New York City	Mar. 29, 1901	Suspended.
4337	County Court, Nassau County.....	June 22, 1901	Pending.
4500	Supreme Court, New York County.....	Jan. 30, 1901	Pending.
4578	Supreme Court, Kings County.....	Feb. 8, 1901	\$25 and costs.
4606	Supreme Court, Kings County.....	Feb. 6, 1901	\$100 and costs.
4622	Supreme Court, New York County.....	Jan. 25, 1901	Pending.
4604	Supreme Court, Kings County.....	Mar. 1, 1901	Pending.
4559	Supreme Court, Kings County.....	Feb. 20, 1901	\$25 and costs.
4739	Third District, Municipal Court, Brooklyn.....	June 19, 1901	Pending.
2466	First District Municipal Court, New York City.....	July 26, 1901	Pending.
4320	Supreme Court, New York County.....	July 31, 1901	Pending.
4540	Third District Municipal Court, New York City.....	June 19, 1901	Pending.
4594	Supreme Court, New York County.....	Mar. 26, 1901	Pending.
4571	First District City Magistrate's Court, Long Island City	Feb. 12, 1901	Fined \$25.
4614	Supreme Court, New York County.....	July 22, 1901	Pending.
4619	Supreme Court, New York County.....	Mar. 2, 1901	\$100 and costs.
4592	Second District Municipal Court, New York City.....	May 27, 1901	Pending.
4563	First District City Magistrate's Court, Long Island City	Jan. 11, 1901	Fined \$150.
4309	First District City Magistrate's Court, New York City	Mar. 18, 1901	Suspended.
4357	Seventh District Municipal Court, New York City.....	July 24, 1901	Pending.
2738 4355 }	Seventh District City Magistrate's Court, N. Y. City	May 24, 1901	Pending.
4302	Supreme Court, New York County.....	July 22, 1901	Pending.
4317 4336 }	Second District City Magistrate's Court, N. Y. City.	May 17, 1901	Pending.
4351	Third District City Magistrate's Court, New York City	May 16, 1901	Fined \$100.
4565	Second District Municipal Court, Brooklyn.....	June 20, 1901	Decision reserved.
4646	Supreme Court, Kings County.....	May 7, 1901	\$25 and costs.
4636	First District City Magistrate's Court, New York City	Mar. 11, 1901	Fined \$150 and 3 months in city prison.
4577	Supreme Court, New York County.....	Feb. 2, 1901	\$100 and costs.
4476	Fourth District City Magistrate's Court, N. Y. City..	Jan. 10, 1901	Absconded.
4640	District Municipal Court, New York City.....	Mar. 2, 1901	\$30 and costs.
4599	District Municipal Court, New York City.....	Mar. 25, 1901	Paid costs.
4570	Supreme Court, Kings County.....	Feb. 8, 1901	\$25 and costs.
3326	Eighth District Municipal Court, New York City.....	April 2, 1901	Discontinued.
4626	Supreme Court, Kings County.....	Feb. 8, 1901	\$25 and costs.
4557	Seventh District City Magistrate's Court, N. Y. City..	Jan. 14, 1901	Fined \$25.
4596	Supreme Court, New York County.....	Feb. 2, 1901	\$100 and costs.
4615	Fourth District City Magistrate's Court, N. Y. City..	Jan. 10, 1901	Fined \$50.
4477	District Municipal Court, Brooklyn.....	.....	\$50 and costs.
4573	Supreme Court, Kings County.....	April 3, 1901	\$100 and costs.
4612	Fourth District City Magistrate's Court, Brooklyn....	Mar. 6, 1901	Fined \$200.
4455	Seventh District Municipal Court, New York City....	Oct. 11, 1900	\$25 and costs.
4620	Seventh District Municipal Court, New York City....	Dec. 28, 1900	\$50 and costs.
4483	.....	.....	\$25 and costs.
4610	Supreme Court, Nassau County.....	Mar. 19, 1901	\$25 and costs.

Number of case.	Court.	Warrant issued or summons served.	Final disposition.
4609	Supreme Court, New York County.....	Jan. 28, 1901	\$50 and costs.
4495	Supreme Court, Kings County.....	Mar. 1, 1901	Discontinued.
4475	District Municipal Court, Brooklyn.....	Feb. 11, 1901	Fined \$75.
4341	First District City Magistrate's Court, N. Y. City....	May 3, 1901	Suspended.
4331 } 4335 }	Second District City Magistrate's Court, N. Y. City..	April 11, 1901	Absconded.
2927	Supreme Court, New York County.....	Mar. 22, 1901	\$25 and costs.
4584	Tenth District Municipal Court, New York City.....	Feb. 14, 1901	\$25 and costs.
2814	Seventh District Municipal Court, New York City....	Oct. 11, 1900	\$25 and costs.
4339	First District City Magistrate's Court, New Brighton, S. I.....	Sept. 17, 1901	Absconded.
4493	.....	Mar., 1901	\$25 and costs.
4544	Second District Municipal Court, Flushing, L. I.....	April 3, 1901	Fine \$100.
4492	Supreme Court, New York County.....	Feb. 11, 1901	\$50 and costs.
4488	Supreme Court, New York County.....	Jan. 30, 1901	\$25 and costs.
4468	Seventh District City Magistrate's Court, N. Y. City..	Oct. 29, 1900	Fined \$25.
4512	First District City Magistrate's Court, L. I. City.....	Oct. 15, 1900	Fined \$25.
4538	Supreme Court, New York County.....	Feb. 18, 1901	\$25 and costs.
4551	First District City Magistrate's Court, L. I. City.....	Dec. 29, 1900	Fined \$150.
4497	Supreme Court, Kings County.....	Mar. 4, 1901	Fined \$100.
4541	Supreme Court, Kings County.....	Feb. 20, 1901	Fined \$100.
4554	Supreme Court, Kings County.....	Feb. 20, 1901	Fined \$100.
4494	District Municipal Court, New York City.....	Jan. 30, 1901	Fined \$100.
4562	Supreme Court, Queens County.....	Feb. 20, 1901	Discontinued.
4552	District Municipal Court, Brooklyn.....	Feb. 17, 1901	\$75 and costs.
4313	Sixth District City Magistrate's Court, New York City	Mar. 28, 1901	Fined \$300.
2726	Third District City Magistrate's Court, Brooklyn.....	Jan. 28, 1901	Fined \$200.
4313	First District Municipal Court, Brooklyn.....	July 8, 1901	\$50 and costs.
4307	Second District City Magistrate's Court, N. Y. City..	Mar. 21, 1901	Absconded.
3310	Fourth District City Magistrate's Court, N. Y. City..	Feb. 20, 1901	Absconded.
4491	District City Magistrate's Court, Staten Island, N. Y.	Mar. 4, 1901	Fined \$25.
4596	District Municipal Court, New York City.....	July 12, 1901	\$25 and costs.
4303	District Municipal Court, New York City.....	July 17, 1901	\$25 and costs.
4647	First District City Magistrate's Court, Brooklyn.....	Jan. 23, 1901	Fined \$200.
4582	Sixth District City Magistrate's Court, New York City	Jan. 16, 1901	Fined \$200.
4470	Fifth District City Magistrate's Court, New York City	Jan. 15, 1901	Fined \$200.
2811	First District City Magistrate's Court, New York City	Jan. 16, 1901	Fined \$200.
2725	Supreme Court, New York County.....	July 23, 1901	\$50 and costs.
4625	Fifth District City Magistrate's Court, New York City	Jan. 29, 1901	Fined \$200.
4628	District Municipal Court, New York City.....	Feb. 28, 1901	\$45 and costs.
4631	District Municipal Court, New York City.....	Mar. 8, 1901	\$50 and costs.
4359	Sixth District City Magistrate's Court, Brooklyn.....	July 3, 1901	Bail forfeited.
4558	District Municipal Court, New York City.....	Mar. 8, 1901	\$50 and costs.
4630	First District City Magistrate's Court, New York City	Jan. 16, 1901	Fined \$200.

Status and final disposition of oleomargarine cases previously reported.

Case No.	Court.	Place.	Called for trial.	Remarks.
2935	Supreme	Kings county.....	November 12, 1900	Action discontinued on payment of civil penalty of \$50 and costs.
2895	Supreme	Kings county.....	.....	Awaiting trial.
2804	Supreme	New York county.....	.....	Awaiting trial.
2816	Supreme	New York county.....	.....	Awaiting trial.
2937	Supreme	New York county.....	December 6, 1900	Trial by jury; verdict for plaintiff for \$25.
2800	Supreme	New York county.....	.....	Awaiting trial.
4451	County	Kings county.....	.....	Awaiting trial.
2885	Supreme	Kings county.....	.....	Action discontinued by direction of the Attorney-General.
2720	Supreme	Kings county.....	November 12, 1900	Action discontinued November 12th on payment of civil penalty of \$50 and costs.
2722	Supreme	New York county.....	.....	Action pending
4516	Ninth District Municipal...	New York City.....	November 28, 1900	Action discontinued on payment of civil penalty of \$25 and costs.
4520	First District Municipal...	New York City.....	November 30, 1900	Action discontinued November 30, 1901, on payment of civil penalty of \$25 and costs.
4514	First District Municipal...	New York City.....	November 30, 1900	Action discontinued November 30, 1900, on payment of civil penalty of \$25 and costs.
2675	Supreme	New York county.....	.....	Action discontinued
4535	Supreme	New York county.....	.....	Action discontinued December 24, 1900, on payment of civil payment of \$25.
4334	Supreme	New York county.....	.....	Action discontinued December 24, 1900, on payment of penalty of \$50 and costs.
4518	Supreme	Kings county.....	.....	Action pending.
4549	Supreme	Kings county.....	December 10, 1900	Trial judgment for plaintiff for \$25 penalty and costs.
2822	Supreme	Kings county.....	.....	Awaiting trial.
4532	Supreme	Kings county.....	.....	Action discontinued October 24, 1900, on payment of \$50 and costs.
2842	Supreme	Kings county.....	.....	Awaiting trial.
4537	Supreme	Kings county.....	.....	Case still pending.
4547	District Municipal	Brooklyn.....	October 11, 1900	Trial by jury; verdict for plaintiff for \$25 penalty and costs.
4490	Special Sessions	New York City.....	January 23, 1901	Plead guilty; fined \$100.
3291	Supreme	New York county.....	.....	Action discontinued by direction of the Attorney-General.
3279	General Sessions	New York City.....	.....	Case still pending.
2636	Supreme	New York county.....	.....	Awaiting trial.
3378	Supreme	New York county.....	.....	Case still pending.
2615	Supreme	Kings county.....	.....	Action discontinued June 3, 1901, on payment of civil penalty of \$25 and costs.
1871	General Sessions	Kings county.....	.....	Case still pending.

PROSECUTIONS—BOB VEAL.

Number of case.	Court.	Warrant issued or summons served.	Final disposition.
1550	First District Municipal Court, Brooklyn.....	July 23, 1901	Pending.
1541	Third District Municipal Court, New York City.....	Aug. 30, 1901	Pending.
1105	Third District Municipal Court, New York City.....	June 25, 1901	Pending.
1527	Tenth District Municipal Court, New York City.....	June 26, 1901	Pending.
1102	First District Municipal Court, New York City.....	July 1, 1901	Pending.
1531	Third District Municipal Court, New York City.....	June 22, 1901	Pending.
1106	Eighth District Municipal Court, New York City.....	June 10, 1901	Pending.
1104	Tenth District Municipal Court, New York City.....	July 3, 1901	Pending.
1121	Third District Municipal Court, New York City.....	Sept. 10, 1901	Pending.
1139	Tenth District Municipal Court, New York City.....	June 26, 1901	Pending.
1120	Third District Municipal Court, New York City.....	Sept. 10, 1901	Pending.
1141	First District Municipal Court, New York City.....	Sept. 26, 1901	Pending.
1109	Supreme Court, New York County.....	Sept. 8, 1901	Pending.
1125	First District Municipal Court, New York City.....	July 1, 1901	Pending.
1515	Supreme Court, New York County.....	Sept. 7, 1901	Pending.
1114	Supreme Court, New York County.....	Aug. 26, 1901	Pending.
1112	Supreme Court, New York County.....	Sept. 4, 1901	Pending.

PROSECUTIONS—VIOLATIONS OF THE BRANDING LAW—CONDENSED MILK.

Number of case.	Court.	Warrant issued or summons served.	Final disposition.
7	Supreme Court, New York County.....	Sept. 28, 1901	\$100 and costs.
8	Supreme Court, New York County.....	Sept. 11, 1901	\$100 and costs.
9	Supreme Court, New York County.....	Sept. 11, 1901	\$100 and costs.
10	Supreme Court, New York County.....	Sept. 12, 1901	\$100 and costs.
11	Supreme Court, New York County.....	Sept. 7, 1901	Pending.
12	Supreme Court, New York County.....	Aug. 23, 1901	Pending.
13	Supreme Court, New York County.....	Aug. 27, 1901	\$100 and costs.
14	Supreme Court, New York County.....	Aug. 22, 1901	\$100 and costs.
15	Supreme Court, New York County.....	Aug. 22, 1901	\$100 and costs.
16	Supreme Court, New York County.....	Aug. 21, 1901	\$100 and costs.

Status of Miscellaneous Cases.

Case No.	Court.	Place.	Remarks.
M. & G. 502	Supreme.... Supreme....	Westchester county Orange county	Case still pending. Action discontinued by direction of the At- torney-General.
S. & C. 2	Supreme....	New York county.....	Case now on calendar of Court of Appeals.
C. & W.	Supreme....	New York City	Case awaiting trial.
C. & P.	Supreme....	New York county	Action discontinued March 4, 1901, on pay- ment of civil penalty of \$100 and costs. Action discontinued March 4, 1901, on pay- ment of civil penalty of \$100 and costs.

*Receipts of crude milk, unsweetened condensed milk and cream in New York by railroads and other sources
for the month of October, 1900.*

RAILROADS.				
Cans crude milk, including bottled.	Cans cream and condensed milk.	Daily average cans milk and cream and condensed milk	Per cent. over each route.	
Erie.....	132,426	6,323	4,476	17.3
New York and Harlem.....	50,320	1,760	1,680	6.5
Ontario.....	132,315	7,414	4,507	17.4
Susquehanna.....	59,669	1,805	1,983	7.6
Northern.....	10,137	.....	327	1.3
West Shore.....	46,043	3,403	1,595	6.2
New Haven.....	31,281	7	1,009	3.5
Delaware, Lackawanna and Western.....	126,830	2,889	4,184	16.1
New York Central and West Shore (long haul).....	90,472	3,135	3,030	11.7
New Jersey Central.....	7,005	158	231	.9
Homer Ransdell Transportation Company.....	26,627	531	876	3.4
Lehigh Valley.....	44,778	1,324	1,487	5.8
Other sources.....	18,600	.....	600	2.3
Total cans.....	776,503	28,749	.....	.....
Total cans crude milk..... 776,503				
Total cans cream and unsweetened condensed milk..... 28,749				
Total cans all kinds..... 805,252				
Daily average crude milk, cans..... 25,018				
Daily average cream and unsweetened condensed milk, cans..... 997				
Average price crude milk to producer per quart..... \$0.03				
Average platform price per can, freight paid..... 1.46				

Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources for the month of November, 1900.

RAILROADS.				
	Cans crude milk, including bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.
Erie.....	128,362	6,015	4,476	17.5
New York and Harlem.....	51,380	1,810	1,773	6.9
Ontario.....	118,092	7,949	4,201	16.4
Susquehanna.....	56,989	1,739	1,958	7.6
Northern.....	10,144	.....	338	1.3
West Shore.....	48,983	2,548	1,718	6.7
New Haven.....	26,175	.....	839	3.3
Delaware, Lackawanna and Western.....	119,244	.....	4,048	15.8
New York Central and West Shore (long haul).....	90,848	2,200	3,115	12.2
New Jersey Central.....	6,466	2,598	221	.8
Homer Ramsdell Transportation Company.....	24,804	162	843	3.3
Lehigh Valley.....	43,982	491	1,502	5.9
Other sources.....	18,000	1,086	600	2.3
Total cans.....	742,369	26,598	.....	.....
Total cans crude milk.....	.....	.....	742,369	.....
Total cans cream and unsweetened condensed milk.....	.....	.....	26,598	.....
Total cans, all kinds.....	.....	.....	768,967	.....
Daily average crude milk, cans.....	.....	.....	24,746	.....
Daily average cream and unsweetened condensed milk, cans.....	.....	.....	887	.....
Average price crude milk to producer per quart.....	.....	.....	\$0.03	.....
Average platform price per can, freight paid.....	.....	.....	1.52	.....

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of December, 1900.*

RAILROADS.				
Cans crude milk, including bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.	
Erie.....	128,579	4,334	17.1	
New York and Harlem.....	50,000	1,770	6.6	
Ontario.....	119,855	6,070	16.	
Susquehanna.....	58,925	1,434	7.8	
Northern.....	10,111	326	1.3	
West Shore.....	59,795	4,223	8.1	
New Haven.....	31,319	1,010	4	
Delaware, Lackawanna and Western.....	123,197	2,644	16	
New York Central and West Shore (long haul).....	79,789	2,238	10.4	
New Jersey Central.....	6,431	187	.8	
Homer Ramsdell Transportation Company.....	25,601	550	3.3	
Leligh Valley.....	47,624	899	6.2	
Other sources.....	18,600	600	2.4	
Total cans.....	759,826	25,786	.....
Total cans crude milk..... 759,826				
Total cans cream and unsweetened condensed milk..... 25,786				
Total cans all kinds..... 785,612				
Daily average crude milk, cans..... 24,511				
Daily average cream and unsweetened condensed milk, cans..... 332				
Average price crude milk to producer per quart..... \$0.0925				
Average platform price per can, freight paid..... 1.57				

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of January, 1901.*

RAILROADS.				
	Cans crude milk, including bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.
Erie	133,390	5,752	4,488	17.8
New York and Harlem	59,845	1,225	1,970	7.8
Ontario	115,780	5,182	3,902	15.5
Susquehanna	60,946	1,544	2,016	7.9
Northern	10,847	.....	349	1.4
West Shore	43,462	5,063	1,565	6.2
New Haven	33,603	.....	1,084	4.3
Delaware, Lackawanna and Western	122,143	3,042	4,098	16
New York Central and West Shore (long haul)	78,979	2,125	2,616	10.4
New Jersey Central	7,056	151	232	.9
Homer Ramsdell Transportation Company	25,050	18	825	3.3
Lehigh Valley	46,938	915	1,544	6.1
Other sources	18,600	.....	600	2.4
Total cans	756,639	25,517	.....	.....
Total cans crude milk				
Total cans cream and unsweetened condensed milk				
Total cans all kinds				
Daily average crude milk, cans				
Daily average cream and unsweetened condensed milk, cans				
Average price crude milk to producer per quart				
Average platform price per can, freight paid				

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of February, 1901.*

RAILROADS.		Cans crude milk, including bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.
Erie	129,265	6,348	4,843	19	
New York and Harlem	57,456	1,160	2,093	8.2	
Ontario	107,063	4,504	3,985	15.6	
Sasquehanna	56,149	1,647	2,064	8.2	
Northern	9,758	.....	349	1.4
West Shore	41,228	5,306	1,662	6.6	
New Haven	34,069	.....	1,217	4.8
Delaware, Lackawanna and Western	110,056	2,283	4,012	15.8	
New York Central and West Shore (long haul)	77,927	1,852	2,849	11.1	
New Jersey Central	6,268	135	229	.9	
Homer Ramsdell Transportation Company	2,237	60	82	.3	
Lehigh Valley	39,958	998	1,463	5.8	
Other sources	16,800	.....	600	2.3
Total cans	688,234	24,293	.....	.....
Total cans crude milk..... 688,234					
Total cans cream and unsweetened condensed milk..... 24,293					
Total cans all kinds..... 712,527					
Daily average crude milk, cans..... 24,580					
Daily average cream and unsweetened condensed milk, cans..... 869					
Average price crude milk to producer per quart..... \$0.0275					
Average platform price per can, freight paid..... 1.36					

Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources for the month of March, 1901.

RAILROADS.					Per cent. over each route.
Cans crude milk, includ- ing bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.			
Erie.....	144,102	7,957	4,905	18.4	
New York and Harlem.....	60,191	1,375	1,986	7.4	
Ontario.....	121,069	5,441	4,081	15.3	
Susquehanna.....	60,579	2,896	2,048	7.7	
Northern.....	9,986	.....	322	1.2
West Shore.....	49,162	5,111	1,751	6.6	
New Haven.....	39,307	.....	1,268	4.7
Delaware, Lackawanna and Western.....	130,423	2,493	4,288	16.1	
New York Central and West Shore (long haul).....	98,651	3,027	3,280	12.3	
New Jersey Central.....	6,691	156	221	8.	
Homer Ramsdell Transportation Company.....	10,382	328	345	1.3	
Lehigh Valley.....	47,846	1,328	1,586	6	
Other sources.....	18,600	.....	600	2.2
Total cans.....	796,989	30,112	.....	.....
Total cans crude milk.....					796,989
Total cans cream and unsweetened condensed milk.....					30,112
Total cans all kinds.....					827,101
Daily average crude milk, cans.....					25,709
Daily average cream and unsweetened condensed milk, cans.....					971
Average price crude milk to producer per quart.....					\$0.0283
Average platform price per can, freight paid.....					1.80

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of April, 1901.*

RAILROADS.		Cans crude milk, includ- ing bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.
Erie	125,990	9,777	4,859	17.9	
New York and Harlem	50,010	1,110	1,704	6.3	
Ontario	117,356	6,926	4,143	15.2	
Susquehanna	60,734	2,744	2,110	8	
Northern	8,971	.....	299	1.1
West Shore	45,542	4,900	1,681	6.2	
New Haven	34,773	.....	1,159	4.3
Delaware, Lackawanna and Western	128,318	2,966	4,309	15.9	
New York Central and West Shore (long haul)	111,671	2,964	3,821	14.1	
New Jersey Central	2,478	58	85	.3	
Homer Ramsdell Transportation Company	20,882	865	725	2.6	
Lehigh Valley	48,099	1,484	1,653	6.1	
Other sources	18,000	.....	600	2
Total cans	780,824	33,794	.....	.....
Total cans crude milk.....780,824					
Total cans cream and unsweetened condensed milk.....33,794					
Total cans all kinds.....814,618					
Daily average crude milk, cans.....26,027					
Daily average cream and unsweetened condensed milk, cans.....1,126					
Average price crude milk to producer per quart.....\$0.0250					
Average platform price per can freight paid.....1.24					

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of May, 1901.*

RAILROADS.

	Cans crude milk, in- cluding bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.
Erie	152,128	13,444	5,341	18.6
New York and Harlem	43,000	1,020	1,420	5
Ontario	130,291	9,608	4,513	15.8
Susquehanna	65,331	3,174	2,210	7.7
Northern	8,872	.....	286	1
West Shore	46,720	6,360	1,712	6
New Haven	38,378	.....	1,238	4.3
Delaware, Lackawanna and Western	127,000	3,634	4,214	14.7
New York Central and West Shore (long haul)	127,838	5,468	4,139	14.4
New Jersey Central	7,175	239	239	.8
Homer Russell Transportation Company	22,927	1,036	774	2.7
Lehigh Valley	58,070	2,822	1,997	7
Other sources	18,600	.....	600	2
Total	842,328	46,823	.....	.....

Total cans crude milk	842,328
Total cans cream and unsweetened condensed milk	46,823
Total cans all kinds	889,151

Daily average crude milk cans	27,172
Daily average cream and unsweetened condensed milk, cans	1,510
Average price crude milk to producer per quart	\$0.0212
Average platform price per can, freight paid	1.11

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of June, 1901.*

RAILROADS.				
Cans crude milk, including bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.	
Erie.....	158,400	5,817	18.4	
New York and Harlem.....	46,050	1,600	5	
Ontario.....	137,935	4,970	15.7	
Susquehanna.....	66,351	2,341	7.4	
Northern.....	6,960	232	.8	
West Shore.....	54,802	2,100	6.6	
New Haven.....	38,925	1,297	4.1	
Delaware, Lackawanna and Western.....	145,524	5,050	15.9	
New York Central and West Shore (long haul).....	130,909	6,102	14.4	
New Jersey Central.....	6,955	275	.8	
Homer Ramsdell Transportation Company.....	23,989	837	2.6	
Lehigh Valley.....	57,094	2,011	6.4	
Other sources.....	18,000	600	1.9	
Total cans.....	891,894	58,897	.....
Total cans crude milk.....				891,894
Total cans cream and unsweetened condensed milk.....				58,897
Total cans all kinds.....				950,791
Daily average crude milk, cans.....				29,730
Daily average cream and unsweetened condensed milk, cans.....				1,963
Average price crude milk to producer per quart.....				\$0.02
Average platform price per can, freight paid.....				1.17

Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources for the month of July, 1901.

RAILROADS.				Cans crude milk, including bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.
Erie.....				159,382	12,835	5,555	17.1
New York and Harlem.....				36,130	1,380	1,210	3.7
Ontario.....				157,962	14,254	5,555	17.1
Susquehanna.....				62,588	2,321	2,094	6.4
Northern.....				8,179	.....	264	.8
West Shore.....				53,829	11,229	2,099	6.4
New Haven.....				34,690	.....	1,119	3.4
Delaware, Lackawanna and Western.....				177,398	6,957	5,947	18.3
New York Central and West Shore (long haul).....				143,751	7,295	4,872	15
New Jersey Central.....				3,902	146	195	.6
Homer Ramsdell Transportation Company.....				22,304	656	741	2.3
Lehigh Valley.....				65,817	8,116	2,224	6.9
Other sources.....				18,600	.....	600	2
Total cans.....				946,532	60,189	.....	.....
Total cans crude milk.....							
Total cans cream and unsweetened condensed milk.....							
Total cans all kinds.....							
Total cans crude milk.....							
Total cans cream and unsweetened condensed milk.....							
Total cans all kinds.....							
Daily average crude milk, cans.....							
Daily average cream and unsweetened condensed milk, cans.....							
Average price crude milk to producer per quart.....							
Average platform price per can, freight paid.....							

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of August, 1901.*

RAILROADS.				
Cans crude milk including bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.	Per cent. over each route.	
Erie	139,479	4,885	17.2	
New York and Harlem	33,840	1,131	4	
Ontario	136,226	4,799	16.8	
Susquehanna	57,589	1,931	6.8	
Northern	9,638	311	1.1	
West Shore	49,874	6,558	6.4	
New Haven	35,077	1,820	4	
Delaware, Lackawanna and Western	137,600	1,132	4	
New York Central and West Shore (long haul)	129,737	4,600	16.2	
New Jersey Central	6,325	4,373	15.4	
Homer Ramsdell Transportation Company	21,342	210	.7	
Lehigh Valley	56,955	709	2.5	
Other sources	18,600	1,923	6.8	
Total cans.....	832,282	600	2.1	
Total cans.....				
Total cans crude milk.....				
Total cans cream and unsweetened condensed milk.....				
Total cans all kinds.....				
Daily average crude milk, cans.....				
Daily average cream and unsweetened condensed milk, cans.....				
Average price crude milk to producer per quart.....				
Average platform price per can, freight paid.....				

*Receipts of crude milk, unsweetened condensed milk and cream in New York by the railroads and other sources
for the month of September, 1901.*

RAILROADS.					Per cent. over each route.
	Cans crude milk, includ- ing bottled.	Cans cream and condensed milk.	Daily average cans milk and condensed milk and cream.		
Erte	136,429	9,017	4,648		16.5
New York and Harlem	39,550	1,080	1,354		4.8
Ontario	13,836	9,648	4,750		16.8
Susquehanna	54,214	2,184	1,880		6.6
Northern	7,834	.....	261		.9
West Shore	48,896	5,776	1,822		6.5
New Haven	33,998	.....	1,133		4
Delaware, Lackawanna and Western	139,853	3,774	4,786		17
New York Central and West Shore (long haul)	121,301	5,077	4,213		14.9
New Jersey Central	6,419	570	233		.8
Homei Ramsdell Transportation Company	20,048	553	687		2.4
Lehigh Valley	53,777	2,050	1,861		6.6
Other sources	18,000	.....	600		2.2
Total cans	807,152	39,739	.....		.....
Total cans crude milk					807,152
Total cans cream and unsweetened condensed milk					39,729
Total cans all kinds					846,881
Daily average crude milk, cans					26,905
Daily average cream and unsweetened condensed milk, cans					1,324
Average price crude milk to producer per quart					\$0.0250
Average platform price per can, freight paid					1.33

Total receipts over all roads for the year ending September 30, 1901.

MONTH.	Cans crude milk.	Cans cream and unsweet- ened condensed milk.	Average market price to producer per quart.	Platform price per can, freight paid.
1900.				
October	776,503	28,749	\$0.03	\$1 46
November	742,369	26,598	.03	1 52
December	759,826	25,786	.0325	1 57
1901.				
January	756,639	25,517	.03	1 46
February	688,234	24,293	.0275	1 36
March	796,989	30,112	.0263	1 30
April	780,824	33,794	.0250	1 24
May	842,328	46,823	.0212	1 11
June	891,894	58,897	.02	1 17
July	946,532	60,189	.0225	1 34
August	832,282	48,845	.0236	1 22
September	807,152	39,729	.0250	1 33
	9,621,572	449,332	\$0.0261	\$1 34

Total cans crude milk.....	9,621,572
Total cans cream and unsweetened condensed milk.....	449,332
Estimated value (freight included).....	\$16,693,376 58

Daily average cans crude milk.....	26,361
Daily average cans cream and unsweetened condensed milk.....	1,231

The above amount of milk does not include milk sold to condensers, most of which reaches the New York market in small cans which is estimated to be equal to 2,249,108 cans

Estimated value.....	\$3,193,733 36
Estimated value as shown above.....	16,693,376 58
	<u>\$19,887,109 94</u>

The above receipts of crude milk, cream and condensed milk are equal to 14,005,016 cans of crude milk of 40 quarts each, or 560,200,640 quarts, representing a daily receipt of 1,534,796 quarts of crude milk.

Respectfully submitted. .

FREDERICK J. H. KRACKE,

Assistant Commissioner.

Report of E. J. Preston.

HON. CHARLES A. WIETING, *Commissioner of Agriculture:*

Dear Sir—I herewith respectfully submit this my third annual report of the work performed and the general conditions found in the Third Division of the State, embracing the counties of Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster and that part of Westchester not included in Greater New York.

MILK.

Owing to the immense amount of milk produced in this division, the greater part of our work from March to December is necessarily given to the inspection of this product at the place where offered for sale.

Where thousands of cans were once shipped direct from the producer to the city retailer, now but little is sold in that way. Creameries have sprung up at nearly every railroad station, which absorbs most of the milk produced in their immediate locality, and when properly run are caring for and shipping the milk and its products in a much better condition than can be done by the average producer. The mixing together, in large vats, of milk from many dairies is being generally practiced, which, being drawn in cans for shipment, produces a milk of uniform quality. Much of the high-grade milk is still being robbed of a portion of its cream, perhaps to the pecuniary advantage of the creameryman, but at the expense of the consumer and to the great detriment of the producer and the honest creameryman who must compete with this adulterated article.

I believe that a majority of the dealers, and all producers, will heartily favor any legislation which will effectively prevent this fraud which at this time we are unable to prevent with the present low standing of butter fats required.

CREAM.

Much condensed skim milk is being used for mixing with cream to give it body. This, too, is in the nature of a fraud, as its purpose is to deceive the purchaser. Should not cream be required to be sold on a guaranteed standard of butter fat contained?

INSPECTIONS.

As this division has had but three milk agents during the past year, against four in former years, we have been unable to inspect every creamery in the division, as would be my wish.

During the fiscal year the milk received at 183 creameries and condensaries has been inspected once, at 12 twice and at 3 three times; also at 31 shipping stations and 33 villages and cities.

Fifty-nine inspections of cities and villages for oleomargarine and 18 inspections for vinegar were made, making a total of 338 inspections.

We have inspected 1,794 cans of milk offered for sale by 462 peddlers, from which 7 samples were taken and actions begun for adulteration.

Milk produced from 7,010 dairies, representing 26,651 cans of milk, have been tested. Forty-three samples were taken from this milk and a similar number of samples were taken at the herd to show the actual quality of the milk produced. From this number 36 samples were found to be below standard and 29 actions were brought against the producer for adulteration. No actions were brought against the vendors of the other 7 samples, as the mixed milk at the herds was also found to be below standard.

SETTLEMENT OF ACTIONS.

Since the law requiring herd samples to be taken has been in effect comparatively few actions have been brought to court, as a comparison of the original with the herd sample has made the adulteration so plain and the proof so positive that the guilty party settles the case with the attorney and thus escapes the notoriety of a hopeless trial. As an illustration I will give the analyses of the 29 cases above mentioned and of the herd samples of the same:

ORIGINAL SAMPLE.			HERD SAMPLE.		
Fat.	Solids not fat.	Total solids.	Fat.	Solids not fat.	Total solids.
3.28	7.12	10.40	4.71	8.46	13.17
3.43	7.78	11.21	3.75	8.37	12.12
3.14	7.08	10.22	3.56	8.62	12.18
3.18	7.48	10.66	3.56	8.62	12.18
3.16	7.32	10.48	3.91	8.78	12.69
3.51	7.75	11.26	3.84	8.32	12.16
3.20	7.40	10.60	3.49	8.55	12.04
3.64	7.74	11.38	3.82	8.87	12.69
3.37	7.34	10.71	4.22	8.55	12.77
3.51	8.13	11.64	4.38	8.95	13.33
3.69	7.74	11.43	4.81	8.52	13.33
3.19	7.38	10.57	4.63	8.61	13.24
3.48	7.22	10.70	4.37	8.93	13.30
3.71	7.97	11.68	4.51	8.61	13.12
3.31	7.47	10.78	4.20	9.06	13.26
2.84	6.32	9.46	3.65	8.26	11.91
3.28	7.71	10.99	3.82	8.92	12.74
2.84	9.19	12.03	4.17	9.05	13.22
2.91	7.15	10.06	3.59	8.49	12.08
3.58	7.47	11.05	4.38	9.24	13.58
3.45	7.66	11.11	4.37	8.35	12.75
3.48	7.72	11.20	4.59	8.24	12.83
2.11	5.51	7.62	3.73	8.41	12.14
2.36	5.44	7.80	3.73	8.41	12.14
2.76	6.11	8.87	3.88	8.73	12.61
3.32	6.92	10.26	4.22	8.86	13.08
3.54	7.44	10.98	4.17	8.63	12.80
3.31	7.31	10.62	3.78	8.71	12.49
3.27	6.72	9.99	3.43	8.64	12.07
Average .. 3.23	7.31	10.54	4.04	8.65	12.69

This table shows an average loss of butter fat of 25 per cent. and an addition of water of 20 per cent., or, reduced to measure, 33.54 quarts of pure milk and 6.46 quarts of water have been mixed to produce the 40 quarts of milk sold.

In the table below I will also give the analysis of the milk as found at the herds of the seven cases not brought, which will show that while under the old law, when no herd samples was required to be taken, some unjust actions for adulteration may have been brought, to-day such an injustice would be impossible:

Fat.	Solids not fat.	Total solids.	Fat.	Solids not fat.	Total solids.
3.42	8.14	11.56	3.26	7.90	11.16
3.57	8.24	11.81	3.36	8.19	11.55
3.52	8.43	11.95	3.34	8.35	11.69
3.43	8.40	11.83			
Average.... 3.41				8.23	11.64

OLEOMARGARINE.

The cities adjoining Greater New York and the towns lying along the lower Hudson, where about two years ago wagon

peddlers from New Jersey and Long Island were selling oleo-margarine to grocerymen and private families, I now believe to be free from this fraud butter, as after diligent search we are unable to find it, and get no hints or complaints from the trade that they suspect its presence. This very satisfactory condition is, I believe, due to the arrest and prompt conviction of the offenders in the local courts, followed by a further sentence in the United States courts. But two suspected samples were taken, which upon analysis was proven to be butter.

RENOVATED BUTTER.

The sale of renovated butter is on the increase, the grocerymen in some of the cities during the winter months offering but little else. The tubs are usually plainly marked renovated, but still the customer is ignorant of its nature. During the year 1,157 stores with 5,464 tubs of butter were inspected.

VINEGAR.

We have found no vinegar below standard, as but few grocerymen buy except from houses guaranteeing its standing. That they may now purchase pure cider vinegar from the farmer under the conditions specified in the Law of 1901 relating thereto is not generally known either by the farmer or grocerymen. Five hundred and sixty-three barrels were inspected in grocery stores.

BOB VEAL.

The character of the shipments of young calves from this division to New York City is now quite satisfactory, and but few are found which will justify a seizure.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

An outbreak of glanders in Columbia and Dutchess and anthrax in Orange and Ulster counties was successfully controlled by H. B. Ambler, veterinarian, of Chatham.

The following is a detailed report of the work performed by the agents in this division of the Department from October 1, 1900, to September 30, 1901:

MILK INSPECTIONS.

INSPECTOR.	Number of days.	Cans inspected.	Estimated miles traveled.
W. J. Bennett.....	262	15,390	11,300
J. H. Bevier.....	256	18,307	11,377
M. Dugan.....	254	13,575	10,986

The following cases for violation of the Agricultural Law, which were pending on September 30, 1900, have been disposed of as follows:

MILK.

- Case No. 6461—Settled on payment of \$25 and \$5 costs.
- Case No. 2689—Pending in Supreme Court.
- Case No. 5039.
- Case No. 6470—Settled on payment of \$25 and \$17 costs.
- Case No. 6501—Settled on payment of \$25 and \$17 costs.
- Case No. 5042—Settled on payment of \$100.
- Case No. 6467—Settled on payment of \$25.
- Case No. 5043—Tried before Justice Dickey, Supreme Court, White Plains. Verdict, \$100 and costs.
- Case No. 5044—Pending in Supreme Court.
- Case No. 8905—Pending in Supreme Court.
- Case No. 6481—Pending in Supreme Court.
- Case No. 6482—Pending in Supreme Court.
- Case No. 6487—Pending in Supreme Court.
- Case No. 2690—Settled on payment of \$30.
- Case No. 5121—Settled on payment of \$25.
- Case No. 5120—Settled on payment of \$30.
- Case No. 5117—Discontinued.
- Case No. 5116—Settled on payment of \$100.
- Case No. 6504—Settled on payment of \$40.
- Case No. 6503—Settled on payment of \$50.
- Case No. 5377—Discontinued.
- Case No. 5378—Pending in Supreme Court.
- Case No. 6529—Pending.

PROSECUTIONS—MILK.

- Case No. 6521—Supreme Court, Columbia County, N. Y. Pending.
- Case No. 6522—Not assigned.
- Case No. 6526—Supreme Court, Putnam County, N. Y. Paid \$75.
- Case No. 6530—Supreme Court, Putnam County, N. Y. Paid \$100.
- Case No. 5114—Supreme Court, Putnam County, N. Y. Defaulted.
- Case No. 8801—Supreme Court, Putnam County, N. Y. Discontinued.
- Case No. 5154—Supreme Court, Delaware County, N. Y. Defendant died.
- Case No. 6532—Supreme Court, Dutchess County, N. Y. Pending.
- Case No. 6520—Supreme Court, Dutchess County, N. Y. Pending.
- Case No. 8806—Supreme Court, Dutchess County, N. Y. Paid \$50.
- Case No. 8805—Supreme Court, Dutchess County, N. Y. Paid \$25.
- Case No. 6533—Supreme Court, Columbia County, N. Y. Pending.
- Case No. 6534—Supreme Court, Columbia County, N. Y. Pending.

Case No. 6512—Supreme Court, Sullivan County, N. Y. Paid \$50.
 Case No. 6541—Supreme Court, Delaware County, N. Y. Pending.
 Case No. 6542—Supreme Court, Sullivan County, N. Y. Pending.
 Case No. 6516—Supreme Court, Dutchess County, N. Y. Pending.
 Case No. 6517—Supreme Court, Dutchess County, N. Y. Pending.
 Case No. 5104—Supreme Court, Dutchess County, N. Y. Paid \$50.
 Case No. 5163—Defendant not located.
 Case No. 6543—Supreme Court, Westchester County, N. Y. Pending.
 Case No. 6544—Supreme Court, Westchester County, N. Y. Pending.
 Case No. 6519—Supreme Court, Westchester County, N. Y. Pending.
 Case No. 6518—Supreme Court, Westchester County, N. Y. Pending.
 Case No. 8812—Supreme Court, Westchester County, N. Y. Pending.
 Case No. 6545—Justice Court, Putnam County, N. Y. Fined \$50.
 Case No. 6547—Supreme Court—Dutchess County, N. Y. Pending.
 Case No. 6510—Supreme Court, Orange County, N. Y. Pending.
 Case No. 5156—Supreme Court, Orange County, N. Y. Pending.
 Case No. 11454—Supreme Court, Orange County, N. Y. Pending.
 Case No. 11453—Supreme Court, Orange County, N. Y. Pending.
 Case No. 11451—Supreme Court, Orange County, N. Y. Pending.
 Case No. 11452—Supreme Court, Orange County, N. Y. Pending.
 Case No. 6509—Supreme Court, Sullivan County, N. Y. Pending.

PROSECUTIONS--VINEGAR.

Case No. 1866—Pending in Supreme Court.
 Case No. 628—Pending in Supreme Court.
 Case No. 596—Pending in Supreme Court.
 Case No. 1994—Discontinued.

PROSECUTIONS—OLEOMARGARINE.

Case No. 3394—Settled on payment of \$25 and costs.
 Case No. 3273—Settled on payment of \$32.
 Case No. 2942—Settled on payment of \$100 and costs.
 Case No. 2041—Tried before Justice Keogh, Supreme Court, White Plains. Verdict, \$50 and costs.
 Case No. 2004—Tried before Justice Dickey, Supreme Court, White Plains. Verdict, \$100 and costs.

Respectfully submitted.

E. J. PRESTON,
Assistant Commissioner.

Report of T. James Owens.

HON. CHARLES A. WIETING, *Commissioner of Agriculture:*

Dear Sir—I have the honor to make my annual report of work performed in the service of the Department of Agriculture of the Fourth Division, comprising the counties of Essex, Fulton, Hamilton, Herkimer, Montgomery, Oneida, Oswego and Warren, for the year ending September 30, 1901.

Number of cans inspected.....	4,802
Number peddlers' meat inspected.....	234
Cans inspected on trains	57
Samples delivered to chemist	34

The following is a list of milk samples taken during the year the factory sample of which upon analysis was found below State standard:

Factory label number.	Herd label number.
6934.....	374
6936.....	355
9630.....	1751
6962.....	414
6963.....	415
6937.....	356
4975. Not allowed to see herd milked.	
6933.....	377
8101.....	64
6923.....	66
6924.....	67
6925.....	69
6926.....	68
8995. No sample taken.	
6927.....	422
8976.....	1829

Factory label number.	Herd label number.
8976.....	4974
4982.....	8985
8984. Taken from peddler's wagon.	
8990.....	1856
8995.....	1838
8984. No herd sample.	
8997.....	1837
8989.....	1841
8996.....	1842
8999.....	1840
4985.....	1843
8991.....	3501
9110.....	1835
8993. Refused to see the herd milked.	
9000. Peddler's milk taken from wagon purchased from another.	
9109.....	1769

The milk this year has been of better quality; richer in butter fats than usual. I believe also that dairymen are taking more care in milking and taking care of it afterward, such as straining and aerating and cooling the same.

OLEOMARGARINE.

In this division every effort has been made to prevent the nefarious traffic in oleomargarine. The shipments are generally made from the west east, thence north up in the Adirondacks and taken into camps of the forest, and consumed by lumbermen.

One great difficulty in getting a sample is this: There are many places on the railroad, that trains stop at on signal only, and oleomargarine, with other freight, is dropped on the ground, and away the train goes, leaving the freight. It is soon removed into the forest and is generally very difficult to find.

The agents must follow or get samples immediately after the train leaves, or after placing it (oleomargarine) in the store-houses, or it is shipped into the woods. After much privation and watching they succeeded in getting 110 samples of oleomargarine, for which they are entitled to great credit for the skillful and efficient manner in which they were procured.

VINEGAR.

Number of barrels vinegar examined.....	565
Number wholesale stores and manufactures examined...	37

BOB VEAL.

The shipment of calves has greatly increased within the past year.

Diligent search and care has been exercised to prevent the shipping of bob veal. Nearly every train passing through Utica was examined by the bob-veal agent, assisted many times by the other agents. The whole number seized was 34.

RENOVATED BUTTER.

Large quantities of renovated butter is being sold from the retail stores, though properly stamped.

PARIS GREEN AND LINSEED OIL.

The laws regulating the manufacturing and selling of linseed oil and Paris green were very generally observed, and no samples of either was taken in this division.

DISEASED CATTLE AND SWINE.

An epidemic of cattle disease broke out in the town of Russia, Herkimer county, N. Y., three having died after my notification. I called upon Dr. L. D. Moore, veterinary surgeon, to examine the cattle with myself. He pronounced the disease as infectious and contagious, and was confirmed in his opinion later by Professor Law, of Cornell, who said the disease was a deadly one and one which would demand immediate attention. We quaran-

tined the cattle and the sick ones were kept from the well ones; but three died during the quarantine.

An infectious disease of swine broke out in Trenton Falls in which two large sows were affected, one dying when I arrived at the farm, the other we killed, together with thirteen pigs. The buildings were disinfected and the dead buried in quicklime.

Respectfully submitted.

T. JAMES OWENS,
Asssistant Commissioner.

Report of S. Brown Richardson.

HON. CHARLES A. WIETING, *Commissioner of Agriculture:*

Dear Sir—I have the honor of presenting this my fifth annual report of the work done in the Fifth Division of the Department of Agriculture for the year ending September 30, 1901.

Early in the year the employees in this division were interested in obtaining a representative exhibit of dairy products for the annual meeting of the State Dairymen's Association, held in the city of Watertown, December 12 and 13, 1900.

This meeting was attended by dairymen representing many States of the Union, and great interest was manifested in the splendid display of butter, cheese and dairy utensils. There can be no doubt that this great meeting was productive of much good by way of bringing together the dairymen of our State and marshaling them in the line of progress that has so materially benefited all dairy interests.

Butter and cheese are the principal products of farms in the northern counties of this State, and the increasing demand for both these food products shows how well the people have profited by the instruction furnished by the State Department of Agriculture. A prerequisite to the manufacture of fine butter and fine cheese is cleanliness. We must have clean barns, clean animals, clean milkers, clean receptacles, and clean and well ventilated rooms in which to develop these products or they will never be what they should ever be—the first quality.

Along the lines of advanced dairy methods the men employed in this division have been working; spending, as in former years, more time in giving instruction than in ferreting out infractions of the law. It is not, however, to be inferred from this statement that they have in any way neglected their duty as guardi-

ans of the people in detecting and reporting promptly any violations of laws relating to agriculture. On the contrary, many criminals have been exposed in the Fifth Division during the current year, and in every case when such violations have been brought to the attention of the courts the case of the people has been sustained and the defendant has been convicted and punished.

I am pleased in this connection to report a further decrease in the number of violations we have found, which shows that the punishment administered has had a wholesome and salutary effect in lessening adulterations. I give below a list of cases prepared by the Department of Agriculture for the current year, by which it will be seen that in most instances the extreme penalty has been collected. In cases where settlements for a less amount have been accepted there has seemed to be extenuating circumstances, such that with the consent of the Attorney-General and by your advice they have been compromised.

PROSECUTIONS.

Label Nos. 10634, 6402, 6418, 6410, 10635, 7851, 6431, 4467, 10639, 10638, 6423, 7901, 7902, 6411, 7920, 10641, 6359, 6360.

During the past year I have had more calls for State aid in the treatment of sick cattle than ever before, the first being the case at the farm of K. Collins Kellogg of the town of Lowville. In this case a herd of young cattle, one and two years old, were attacked some weeks after having been dehorned. Their first symptoms were loss of appetite, pronounced rise of temperature, increased respiration, followed in about four days by death. Four or five heifers that had been in apparent good health and condition died within a few days. When my attention was called to this herd I sent for Dr. W. H. Kelly, a veterinarian in the Department, who successfully diagnosed and treated the disease to the end that no more deaths occurred.

The disease commonly called "lumpy jaw" has been quite prevalent in this division at times during the past year. Many cases of this nature have been brought to my

attention during the past year, and whenever the conditions seemed to warrant such a course, I have applied to you for and procured the services of a veterinarian, who in most cases has been able to bring relief.

In the case of one Burns, it was found by Dr. Kelly that several milch cows had been taken with what seemed to be a kind of epidemic ailment, beginning with a shrinkage in the flow of milk and followed by loss of appetite and falling away of flesh. In one case extreme emaciation continued for months and seemed to point toward tuberculosis, while in other cases the trouble seemed to be transitory.

The case of sick swine, reported from the town of Clayton and for the treatment of which several visits were made by a Department veterinarian, was thought to be caused by feeding impure and partially decayed food, the refuse of the hotel swill barrel, and other questionable sources.

My attention was called during the month of September to a disease that broke out in the herd of milch cows owned by Hon. Le Roy Crawford at Chase's Lake. Individuals of that herd were taken with loss of appetite, great decrease in the flow of milk, high temperature, increased respiration and death in about four days. Several valuable cows had died before I called the attention of the Department to this case. A veterinarian was promptly furnished me, and after his diagnosis and treatment no more deaths occurred. I refrain in this case, as in all others, from attempting a scientific description, knowing that the report of the attending veterinarian in each case, which is available, contains information much more accurate and valuable than could any report furnished by me.

In this belief, and realizing the great importance of studying these cases, I would call your attention to a peculiar and serious disease first reported to me by Nicholas Keiffer of Kirschner-ville. Mr. Keiffer has a pasture containing about 140 acres, mostly rough land, much of which is unfit for the plow. Neighbors living within a few miles of this pasture during the past season furnished from five to ten head of one and two-year old

cattle to "summer" in Keiffer's pasture. The environments of this pasture had no unusual features. The stock had good feed and good water. I think there was about forty head of cattle quartered there. During the late days of August and the month of September a disease appeared among them from which about 25 per cent. of them died. The first symptoms were bleeding at the nose and high fever, followed by a fetid and highly colored and offensive discharge from the bowels, ending in death, after great agony, in from twenty-four to thirty-six hours. A post-mortem examination was conducted by Dr. H. B. Ambler, veterinarian, and parts of the dead animals taken for analysis. Under the advice of Dr. Ambler this fatal disease seems to have been arrested by removing all uninfected animals from the pasture and isolating them in other quarters. While it would seem that, in the Keiffer pasture, the trouble must have originated from the eating of some poisonous plant, I am awaiting with great interest the report of Dr. Ambler in the case, and in this interest I am joined by many anxious farmers who have cause to remember the loss of valuable stock in the manner above indicated.

The instructors and agents in this division have as usual been kept exceedingly busy in answering calls for assistance from the butter and cheese factories, and many thousand samples of milk have been tested. These tests often result in the location of some serious trouble found in making up milk, and as a result such trouble is often eradicated. It is also from this source that we most frequently detect adulterations.

The instruction always furnished in cheese making is bearing fruit. First, by improving by a large percentage the general quality of cheese manufactured in the five counties of this division, and secondly, by the larger quantity of cheese manufactured. I estimate that the output of cheese in this division for the year 1901 will reach 22,500,000 pounds, and will bring into the pockets of the dairymen about \$2,025,000. Add to this a large increase in the amount of butter manufactured and a corresponding increase in the amount of milk shipped

and I am not surprised that prosperity resides with the dairy-men of northern New York, or that rates of interest are less, or that those farmers who a few years ago were burdened with debt are now clearing their lands from mortgages.

Both consumers and producers continue to complain bitterly of the receipt and sale of renovated butter in the cities and larger villages of this agricultural division, which places until recent years have furnished a ready and remunerative market for farm dairy butter, made before the opening of factories in the early spring and after their closing about November 1st. The existing laws controlling the branding of renovated butter do not seem to improve its quality nor prohibit to any great extent the deception which often accompanies its sale. Its questionable constituents, compounded far beyond the boundary of our own great dairy country, are placed before us at a price so much below that at which honest butter can be produced that the latter industry, a home product, is smothered, while the Western manufacturer of renovated butter flourishes.

In closing this report permit me again to bear witness to the cheerful and willing acquiescence of all the instructors and inspectors in this division in all the suggestions I have made for the good of the Department. Neither long hours or bad weather has held them back when duty has invited them to go forward. At all times respectful and courteous, they have earned my earnest approval, and I am happy to acknowledge my appreciation of their kindness and assistance here.

Respectfully submitted.

S. BROWN RICHARDSON,

Assistant Commissioner.

Report of Charles T. Russell.

HON. CHARLES A. WIETING, *Commissioner of Agriculture:*

Dear Sir—Herewith I respectfully submit my fourth annual report as Assistant Commissioner of the work performed in the service of the Department of Agriculture for the year terminating September 30, 1901. in this, the Sixth Division of the State, comprising the counties of Broome, Chenango, Cortland, Madison, Onondaga, Tioga and Tompkins.

In connection with the many other duties performed our time has been largely occupied with the inspection of the milk supply of this division, necessitated by the popular demand for the same as expressed by general and numerous requests which increase in number each year. As regards the inspection of the public milk supply it is very gratifying to note the increasing friendliness and favor of farmers and milk producers, as they realize that but for the restrictions imposed by the Agricultural Law upon adulteration by city dealers the demand from the milk producer would be seriously lessened.

CENSUS.—MILK SHIPPING, PROSECUTIONS, ETC.

The enormity of the dairy interests of the Sixth Division is best illustrated by the last factory and milk shipping census for the year 1900. The number of butter and cheese factories in each of the several counties of this division are as follows: Broome 40, Chenango 45, Cortland 39, Madison 46, Onondaga 27, Tioga 27, and Tompkins 17; total number of factories 241, milk condensaries 3, and milk shipping stations 120, making 9,860,490 pounds of butter and 13,123,922 pounds of cheese.

There was shipped from this division during the year as follows:

Quarts of crude milk	109,838,128
Quarts of condensed milk.....	1,875,885
Quarts of cream	1,840,381
Total.....	<u>113,554,394</u>

The popular estimate of the daily average receipts of crude milk at the city of New York from all sources, being 25,000 forty-quart cans, would equal 365,000,000 quarts annually. The crude milk actually shipped from this division, independent of estimated equivalents from condensed milk, cream or other product, would approximate close to one-third of the entire receipts of the city of New York from the five shipping States. The natural tendency in this district is a gradual decrease in the number of butter and cheese factories with increased patronage of milk stations by reason of the excellent railroad facilities here provided for shipping milk to the New York market.

By request much attention and investigation has been given to the condition of milk as delivered to factories and shipping stations, which has resulted in marked improvement and a better quality of butter and cheese made therefrom.

There has been but little disease among cattle of this division, and the transfer of the control of bovine tuberculosis to the State Agricultural Department has given occasion for general expression of satisfaction among dairymen.

The work of the agents of this division has been well and thoroughly done, and there have been but few court trials of the cases made for violations of the Agricultural Law, the defendant preferring to settle with the State's attorney rather than defend the action because of the completeness of the case against him. I have given much time and personal attention to the investigation of the evidence and technicalities involved in each case.

VINEGAR.

There is lately a disposition among wholesalers and retailers to observe caution in buying their stocks of vinegar, and requests from them have been frequent asking that their supply be inspected before they offer it for sale that they may be assured that it conforms to the requirements of the law. For this distrust we believe that good reason exists, as there seems to be a disposition on the part of certain unscrupulous vinegar manufacturers to take chances in the hope that the chemist may fail

to detect certain adulterations. We have done much detective work along this line.

If vinegar manufacturers could be legally prohibited from manufacturing or storing white wine or other acid vinegars on the same premises with cider vinegar, it would materially stop cider vinegar adulteration, a bill for such a law having been introduced at the last session of the Legislature but unfortunately failed of passage.

The present policy of the Attorney-General's office in designating one attorney for the prosecution of all vinegar cases in contrast with distributing these cases among attorneys all over the State we are induced to believe must be conducive to good results, as it insures uniform procedure and the attorney must more keenly feel the responsibility that rests upon him to bring the prosecutions to a successful conclusion to the end that such adulterations be effectually stopped.

VEAL.

Veals shipped from this division have been thoroughly inspected and many seizures made, the effect of which has been very wholesome, resulting in a gratifying decrease in the number of violations. Much of the good results already accomplished would have been permanent in their effect but for the accidental repeal of the bob-veal law.

The provisions of this law had the moral support of the public because of the protection afforded to the consumer against the illegitimate traffic in this unwholesome food, as also the protection to the interests of the farmer against competition from this source with the legitimate products of his farm. Veals two or three days old and even less were bought very cheaply and shipped to the cities and sold as food where the supply from this source was brought into direct competition with matured veal, seriously injuring the market and prices of the same to the detriment of the farmers as a class and to the profit of a few unscrupulous dealers. Such traffic cannot in any sense be likened unto any farm industry, as except where

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the calf is intended to be fattened or raised its birth is not sought for only as a factor in the development of the milk production of the cow, whereas the production of matured veal and the fattening of calves is an established farming industry which has been seriously imperiled by the abuses of this unwholesome traffic. The filthy decomposed condition of some of these veals as shipped in the hot weather months beggars description, and even before a State law was enacted against the traffic local boards of health generally throughout the State had discriminated against it and imposed penalties for violations. It was at the trial of one of these cases in this division at Norwich, N. Y., that the defect in the law was first discovered. The defect being the result of an amendment to the Agricultural Law whereby the law was re-enacted with some additions, and it was found that several sections of the veal law were accidentally left out. The sentiment of the people of this division as elsewhere is strongly in favor of the correction of the mistake by the re-enactment of the original law relating to this traffic. As regards the prosecution of the several other lines of work, we have industriously given our best effort to the same, as well as the performance of the various duties in the work of this division, in which I desire to say that the services of the agents have been skillful and creditable.

The following is a detailed report of the work performed by the agents of this division from October 1, 1900, to September 30, 1901, both dates inclusive:

A. M. KIBBE.

Number of days inspecting milk.....	178
Number of days inspecting veals.....	7
Number of days inspecting vinegar.....	8
Number of days obtaining evidence.....	10
Number of days attending court.....	8
Number of days consulting with attorney.....	6
Number of days special duty on reports, etc.....	39
Number of days recovering State cheese brands.....	2
Number of days inspecting butter.....	2
Number of days on census work.....	29
Number of days on crop reports.....	7
Number of days consulting with Assistant Commissioner.....	1
Total number of days.....	297

Number of railroad milk shipping stations inspected as to conditions.....	89
Number of cheese factories inspected as to condition.....	42
Number of butter creameries inspected as to condition.....	42
Number of city dairy association creameries inspected.....	4
Number of milk peddlers inspected.....	267
Number of herds inspected.....	23
Number of cows inspected.....	271
Number of stables inspected.....	27
Number of veals inspected.....	125
Number of vinegar factories inspected.....	2
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Number of dairymen's milk inspected on delivery at cheese factories.....	977
Number of dairymen's milk inspected on delivery at creameries.....	1,281
Number of dairymen's milk inspected on delivery at milk shipping stations.....	1,473
Total number dairymen's milk inspected.....	3,731
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Number of cans of dairymen's milk inspected on delivery at cheese factories....	2,551
Number of cans of dairymen's milk inspected on delivery at creameries.....	3,639
Number of cans of dairymen's milk inspected on delivery at milk shipping stations	4,359
Number of cans of peddlers' milk inspected.....	833
Number of cans of creamerymen's milk inspected on railroad platforms.....	683
Total number of cans of milk inspected.....	12,065
Number of specimens of butter inspected.....	227
Number of barrels of vinegar inspected.....	414
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Number of samples of vinegar taken for chemist with C. T. Russell and T. E. Tiquin	13
Number of original samples of milk taken for chemist besides corresponding herd duplicates was 30; of the 30 samples so taken 11 were taken with other inspectors	30
Total number of samples taken for chemist.....	43
Estimated number of miles traveled.....	7,421

T. E. TIQUIN.

Number of days inspecting milk.....	162
Number of days inspecting veal.....	33
Number of days inspecting vinegar.....	21
Number of days inspecting butter.....	2
Number of days on census work.....	23
Number of days consulting attorney.....	6
Number of days obtaining evidence.....	11
Number of days consulting Assistant Commissioner.....	3
Number of days special duty on reports.....	16
Number of days attending court.....	2
Number of days recovering State cheese brands.....	2
Total number of days.....	231
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Number of railroad milk shipping stations inspected as to condition.....	45
Number of cheese factories inspected as to condition.....	29
Number of creameries inspected as to condition.....	21
Number of milk peddlers inspected.....	273
Number of dairymen's milk inspected on delivery at milk shipping stations.....	1,398
Number of dairymen's milk inspected on delivery at creameries.....	803
Number of dairymen's milk inspected on delivery at cheese factories.....	845

Number of cans of dairymen's milk inspected on delivery at milk shipping stations	3,290
Number of cans of dairymen's milk inspected on delivery at creameries.....	2,621
Number of cans of dairymen's milk inspected on delivery at cheese factories....	2,393
Number of cans of creamerymen's milk inspected on trains and railway platforms	773
Number of cans of peddlers' milk inspected.....	1,062
Total number of cans of milk inspected.....	<u>10,139</u>
Number of original milk samples below standard taken for chemist besides corresponding herd duplicates was 61; of the 61 samples so taken 10 were taken with other inspectors.....	61
Number of stables inspected.....	51
Number of herds inspected.....	41
Number of cows inspected.....	558
Number of veals inspected.....	<u>2,068</u>
Number of veals seized by myself.....	131
Number of veals seized by myself with others.....	<u>21</u>
Total number of veals seized.....	<u>152</u>
Number of specimens of butter examined.....	197
Number of barrels of vinegar examined.....	500
Number of samples of vinegar taken for chemist by myself in company with other inspectors	25
Estimated number of miles traveled.....	<u>14,934</u>

CASES.

The following is a report of actions settled and pending for violations of the Agricultural Law in the Sixth Division of the Agricultural Department of the State:

MILK.

Label Nos. 8562, 8563.—Referred to J. H. Throop. Recovery \$100.

Label No. 4978.—This case was against a milk shipper for adulteration. Supreme Court. Defendant appeared in the case by Hon. John T. McDonough, and case was settled direct with the Attorney-General in January, 1901.

Label Nos. 9413, 9414, 9415.—This case was against a milk shipper for adulteration. Supreme Court. Defendant appeared in the case by Hon. John T. McDonough, and case was settled direct with the Attorney-General in January, 1901.

Label Nos. 10073, 10074.—Referred to M. H. Kiley. Pending.

Label Nos. 8582, 8583, 8584.—Settled direct with the Attorney-General. Recovery \$100.

Label No. 9416.—Referred to C. M. Wickwire. Recovery \$50.

Label No. 8649.—Supreme Court. Pending.

Label No. 8579.—Supreme Court. Pending.

Label No. 8580.—Supreme Court. Pending.

Label No. 10068.—Referred to J. H. Throop. Recovery \$100.

Label No. 8612.—Supreme Court. Pending.

Label Nos. 8576, 8577.—Supreme Court. Pending.

Label No. 9408.—Referred to J. H. Throop. Recovery \$100.

Label No. 8650.—Supreme Court. Pending.

Label No. 9442.—Supreme Court. Recovery \$151.61.

Label Nos. 9443, 9444, 9445.—Supreme Court. Pending.

Label No. 8572.—Referred to J. H. Kelley. Recovery \$75.

Label Nos. 9448, 9449.—Referred to J. H. Kelley. Pending.

Label Nos. 10051, 10052.—Referred to J. H. Kelley. Pending.

Label Nos. 9440, 9441.—Referred to J. H. Kelley. Recovery \$25.

Label Nos. 9435, 9436.—Supreme Court. Pending.

Label No. 8561.—Supreme Court. Recovery \$138.55.

Label No. 9450.—Supreme Court. Pending.

Label No. 8194.—Supreme Court. Pending.

Label No. 8648.—Supreme Court. By order of Attorney-General, attorney obtained stipulation discontinuing case without costs October 4, 1901, because of probable innocence of defendant.

Label No. 8575.—Supreme Court. Recovery \$78.

Label No. 9453.—County Court of Madison county. Pending.

Label No. 10069.—Referred to F. M. Parsons. Defendant being financially irresponsible no action commenced, but attorney is hopeful of settlement, which is not yet completed.

Label No. 10070.—Referred to F. M. Parsons. Defendant gave attorney promissory note of \$100 in settlement of case, which is now due and if not paid legal proceedings will be instituted to recover the penalty.

Label No. 8588.—Referred to F. M. Parsons. Pending.

Label Nos. 8593, 8594.—Referred to S. S. Wallis. Recovery \$150.

Label Nos. 8633, 8634.—Referred to S. S. Wallis. Attorney instructed by Attorney-General to suspend proceedings in the case until further notice from him.

Label Nos. 8642, 8643.—Referred to S. S. Wallis. Attorney instructed by Attorney-General to suspend proceedings in the case until further notice from him.

Label No. 10054.—Referred to S. S. Wallis. Recovery \$75.

Label No. 10055.—Supreme Court. Pending.

Label Nos. 10056, 10057.—Referred to S. S. Wallis. Case discontinued and settled direct with Attorney-General.

Label No. 8592.—Referred to S. S. Wallis. Recovery \$75.

Label No. 8591.—Referred to S. S. Wallis. Pending.

Label Nos. 8557, 8558.—Referred to E. E. Mellon. Pending.

Label Nos. 10063, 10064.—Referred to J. H. Throop. Recovery \$100.

Label Nos. 10061, 10062.—Referred to J. H. Throop. Pending.

Label Nos. 10090, 10091.—Referred to J. H. Throop. Recovery \$100.

Label No. 10103.—Referred to J. H. Throop. Pending.

Label No. 10098.—Referred to J. H. Throop. Recovery \$100.

Label No. 9409.—Supreme Court. Discontinued.

Label Nos. 10099, 10100.—Referred to J. H. Throop. Recovery \$100.

Label No. 9405.—Supreme Court. Pending.

Label No. 8556.—Referred to J. T. Rogers. Pending.

Label No. 6020.—Referred to J. T. Rogers. Sentence suspended.

Label No. 6022.—Supreme Court. Pending.

Label No. 9420.—Referred to J. H. Throop. Recovery \$50.

Label Nos. 10086, 10087.—Referred to J. H. Throop. Recovery \$50.

Label No. 10104.—Settled by Attorney J. H. Throop. Recovery \$50.

Label Nos. 10065, 10066.—Referred to J. H. Throop. Recovery \$50.

Label No. 8571.—Referred to James T. Rogers. Pending.

Label No. 9423.—Referred to J. T. Rogers. Pending.

Label No. 9454.—Referred to J. T. Rogers. Pending.

Label No. 9425.—Referred to J. T. Rogers. Pending.

Label Nos. 9427, 9428.—Referred to J. T. Rogers. Pending.

Label Nos. 8573, 8574.—Referred to J. T. Rogers. Pending.

Label No. 9430.—Referred to J. T. Rogers. Pending.

Label No. 9437.—Referred to J. T. Rogers. Pending.

Label Nos. 9431, 9432.—Referred to J. T. Rogers. Pending.

Label No. 10058.—Referred to J. T. Rogers. Pending.

Label Nos. 10059, 10060.—Referred to J. T. Rogers. Pending.

Label No. 10080.—Referred to J. T. Rogers. Pending.

Label No. 9424.—Referred to J. T. Rogers. Pending.

Label Nos. 10081, 10082.—Referred to J. T. Rogers. Pending.

The following are milk cases made prior to September 30, 1901, in which the Attorney-General has not yet designated attorneys:

Label Nos. 8565, 9404, 9406, 10094, 10096, 10106.

MILK PRESERVATIVE.

The following is a case for violation of the Agricultural Law by selling milk preservative:

Label No. 4.—Referred to J. T. Rogers. Pending.

VINEGAR.

Label No. 975.—Supreme Court, June 23, 1899, and at a session of the Court held in December, 1900, Judge Andrews presiding, the action was dismissed because of technicalities resulting from an amendment to the law, which went into effect 19 days after sample in the case was taken.

Label Nos. 972, 989, 991.—Case affected by the same legal technicalities as preceding case, and discontinued in December, 1900.

Label No. 3211.—Referred to Risley & Love. Pending.

Label No. 3202.—Referred to Risley & Love. Pending.

Label No. 3205.—Referred to Risley & Love. Pending.

Label No. 3204.—Referred to Risley & Love. Pending.

The following are vinegar cases made prior to September 30, 1901, in which attorneys have not yet been designated by the Attorney-General:

Label Nos. 1154, 1155.

VEAL.

Some of these cases were made before the scheme was devised of designating veals by tag numbers. I am therefore obliged to report some of the cases by the name of the defendant.

People v. Zenas Jackson.—Supreme Court. Recovery \$50.

People v. E. J. Albro.—Referred to Frederick Hatch June 4, 1900, and attorney instructed by Attorney-General to suspend proceedings until further notice from him pending further investigation.

People v. E. Hopkins.—Supreme Court. Pending.

People v. H. Page.—Supreme Court. Recovery \$150 penalty and \$216 costs.

People v. David Bryant.—Supreme Court. Discontinued by advice of Attorney-General upon question of doubt as to defendant being personally guilty.

People v. William Hook.—Supreme Court. Pending.

People v. Henry Martin.—Referred to R. E. Steele. Recovery \$40.

People v. G. Heffron.—Supreme Court. Attorney directed by Attorney-General to suspend proceedings until further notice from him, pending investigation as to guilt of defendant.

Tag No. 885.—Referred to J. H. Throop. Recovery \$75.

Tag No. 870.—Referred to J. H. Throop. Pending.

Tag Nos. 236, 237, 239.—Referred to J. H. Throop. Recovery \$100.

Tag Nos. 870, 875, 877, 878, 879, 881, 882, 883.—Supreme Court. Pending.

Tag No. 195.—Supreme Court. Recovery \$75.

Tag Nos. 804, 821.—Referred to A. L. Kellogg. Action discontinued.

Tag Nos. 816, 817.—Settled direct with the Attorney-General March 25, 1901, by the payment by defendant of \$25.

Tag No. 820.—Referred to M. H. Kiley. Recovery \$60.

Tag No. 803.—Referred to M. H. Kiley. Recovery \$35.

Tag Nos. 913, 914.—Referred to M. H. Kiley. Pending.

Tag Nos. 848 to 850, and 852 to 867.—In this case 19 veals seized. Referred to J. T. Rogers. Pending.

Tag Nos. 828 to 834.—In this case 7 veals seized. Referred to J. T. Rogers. Pending.

Tag Nos. 823 to 827, and 895 to 897, and, 902.—In this case 12 veals seized on various dates, 3 of which did not bear tag numbers. Referred to J. T. Rogers. Pending.

Tag Nos. 868, 869.—Referred to J. T. Rogers. Pending.

Respectfully submitted.

CHARLES T. RUSSELL,

Assistant Commissioner.

Report of Verlett C. Beebe.

Hon. CHARLES A. WIETING, *Commissioner of Agriculture:*

Dear Sir—I have the honor to herewith submit my annual report as Assistant Commissioner of Agriculture for the **Seventh** Division for the year ending September 30, 1901.

The year has been a busy one in our work. Several circumstances have made it more so than in the years immediately preceding it. It is hardly necessary to say that the principal part of such work has been required in the investigation of milk and its products. The proximity of the district to the Pan-American Exposition at Buffalo increased by much the shipments of milk to that city. Much additional vigilance was entailed on that account. The opportunity was at hand for those disposed to violate the agricultural law to attempt to reap richly from the sales. Mindful of this, during the exposition much effort was centered in investigations along the lines of railroads leading to that city. Violations were discovered, yet the number was not large when considered in comparison with the number and amounts of shipments.

Again, more violations of the law were found throughout the division than in any of the previous years of my connection with the Department, and more cases were prosecuted to a successful conclusion than during any year of such time. The new duties required by the act of 1901 with reference to diseases among domestic animals occasioned extra work, and during nine months of the year I had the aid of but three agents in place of four as heretofore. The extended sickness and death of Mr. Charles J. Morgenstern, one of the agents, left the number such.

While an unusually large number of violations were found, I do not attribute this to an increase in the actual number of such, but rather to the increased skill of the agents, born of experience. At all times it has been our effort to teach and advise the milk producers in the care of their product, and to instruct the cheese makers along the same lines and in keeping their fac-

tories and surroundings in proper sanitary condition. All of the creameries and nearly all of the cheese factories in the district have been visited and inspected at least once during the year. In general it may be said that the condition of these has been improved. Each year seems to show a general betterment in the care of milk on the part of the producer. The dairymen seem to accept in the right spirit the aid extended by this Department.

Violations have been prosecuted with vigor. Under the law as it now stands little opportunity is fairly offered for the claim that the sample analyzed was not a proper sample, or that the analysis was incorrect. Upwards of \$1,650 in penalties was collected, and at the close of the year the number of pending cases was comparatively large.

No oleomargarine has been found except on one occasion. This was at Elmira on May 13th last, and it was brought into the State by Walter L. Main, of Geneva, Ohio. He is the proprietor of a large circus employing several hundred hands, and he was then showing at that place. Myself and agents visited his cooking establishment and dining tent and there found oleomargarine being furnished the employees. Prompt action was necessary, as the show was to be removed that night to Pennsylvania. Samples were taken, the Department of Agriculture at Albany was notified and an attorney was immediately thereafter designated. An action charging two violations was commenced and an attachment issued under which the show property was seized. Despite the attachment the property seized was placed on board of cars by the show people for removal. Notice to the railroad company was immediately given forbidding this and the property was held. Subsequently \$200 penalty was paid.

Large quantities of renovated butter are found in the markets, being sold and offered for sale under the regulations of the law. For the proper protection of the many consumers it would seem to me that the present act hardly meets their needs. While the original package is plainly marked as required by law, the con-

sumer rarely sees such package, and consequently seldom knows its contents. I would respectfully suggest that the law be so amended as to require all sellers to deliver with each package or purchase a statement in writing showing that the contents is renovated butter.

Little disease among cattle has appeared. My attention has been brought to two cases of lump jaw and one of black quarter. The provisions of the so-called "Bob Veal" act are generally observed throughout the division so far as my investigation has shown. But one violation has been found.

In March last several cases of rabies were found in the counties of Wyoming and Genesee. Much time during that month was given to this matter. Many dogs bitten were killed and all other dogs in the localities quarantined. I am pleased to report that only one person was bitten. This was Mr. John Volker, of Attica, Wyoming county, N. Y. He was promptly sent to Pastuer's Institute, New York, and no serious results have followed.

As usual during the winter months considerable attention was given to vinegar. However, no violations were discovered.

A summarized statement of the work of the agents of this division follows:

DETAILED REPORT OF WORK PERFORMED.

The following tables give a complete detailed report of the work performed by each employee in the Seventh Division of the Department for the year ending September 30, 1901:

ROMAINE A. FRENCH.

Number of days inspecting milk	149
Number of days inspecting butter	11
Number of days inspecting vinegar	9
Number of days inspecting cream	3
Number of days inspecting herds of cattle.....	2
Number of days taking samples of milk of herds.....	14
Number of days attending court.....	7
Number of days making complaints for prosecution.....	5
Number of days special work	23
Number of days obtaining reports of cheese factories.....	2
Number of days inspecting railroad freight depots and express offices for oleo- margarine	3
Number of days looking after dogs with rabies.....	11
Total days	239

Number of cheese factories inspected.....	53
Number of creameries inspected	13
Number of butter creameries inspected.....	12
Number of condensaries inspected	5
Number of milk stations inspected.....	40
Number of milk cars inspected.....	20
Number of Schweitzer cheese factories inspected.....	3
Number of herds of cattle inspected.....	35
Number of stables inspected	29
Number of vinegar manufactories inspected.....	2
Total	<u>212</u>

Number of cans milk inspected at cheese factories	1,435
Number of cans of milk inspected at butter factories	702
Number of cans of milk inspected at condensaries	140
Number of cans of milk inspected at creameries	399
Number of cans of milk inspected on wagons of milk peddlers.....	934
Number of cans of milk inspected on railroad trains.....	1,721
Number of cans of milk inspected at railroad stations.....	930
Total cans milk inspected.....	<u>6,261</u>

Number of samples of milk delivered to chemist from milk dealers.....	37
Number of samples of herds milk delivered to chemist.....	16
Number of samples of milk below State standard.....	<u>21</u>

Number of samples of milk assisted in taking.....	17
Number of samples of milk of herds assisted in taking.....	<u>20</u>

BUTTER INSPECTED.

Number of specimens of butter inspected.....	418
Number of samples of oleomargarine delivered to chemist.....	<u>2</u>

VINEGAR INSPECTED.

Number of barrels of vinegar inspected.....	<u>80</u>
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CHARLES J. MORGENSTERN FROM OCTOBER 1, 1900, TO JANUARY 1, 1901.

(Mr. Morgenstern was taken sick during the month of January and died on the 8th day of May, 1901. He had long been a faithful employee of this division.)

Number of days inspecting milk	12
Number of days inspecting vinegar	4
Number of days taking samples of milk of herds.....	3
Number of days obtaining evidence in cases.....	4
Number of days attending court	2
Total days	<u>25</u>

Number of cheese factories inspected	1
Number of creameries inspected	6
Number of milk stations inspected.....	2
Number of milk cars inspected.....	2
Number of herds of cattle inspected.....	3
Number of stables inspected	<u>3</u>
Total	<u>17</u>

Number of cans of milk inspected at cheese factories	93
Number of cans of milk inspected at butter factories	56
Number of cans of milk inspected at condensaries	23
Number of cans of milk inspected on wagons of milk peddlers.....	119
Total cans of milk.....	<u>313</u>

Number of samples of milk delivered to chemist from milk dealers.....	8
Number of samples of herds milk delivered to chemist.....	3
Number of samples of milk below State standard.....	<u>8</u>

VINEGAR INSPECTED.

Number of barrels of vinegar inspected.....	<u>54</u>
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LEON D. SPINK.

Number of days inspecting milk	131
Number of days inspecting vinegar	4
Number of days inspecting herds of cattle.....	4
Number of days attending court	7
Number of days obtaining evidence in cases.....	2
Number of days making complaints for prosecution.....	5
Number of days subpoenaing witnesses	1
Number of days special work.....	20
Number of days obtaining reports of cheese factories.....	3
Number of days inspecting butter	10
Number of days inspecting cream.....	3
Number of days taking samples of cream.....	2
Number of days taking samples of milk of herds.....	6
Number of days inspecting railroad freight depots and express offices for oleomargarine	3
Number of days looking after dogs with rabies.....	12
Total days	<u>213</u>

Number of cheese factories inspected.....	52
Number of creameries inspected	11
Number of butter creameries inspected.....	12
Number of condensaries inspected	2
Number of milk stations inspected.....	31
Number of milk cars inspected.....	16
Number of Schweitzer cheese factories inspected.....	4
Number of herds of cattle inspected.....	33
Number of stables inspected	34
Total	<u>201</u>

Number of cans of milk inspected at cheese factories	1,630
Number of cans of milk inspected at butter factories	367
Number of cans of milk inspected at creameries	449
Number of cans of milk inspected at condensaries	33
Number of cans of milk inspected on wagons of milk peddlers.....	832
Number of cans of milk inspected on railroad trains.....	1,474
Number of cans of milk inspected at railroad stations	728
Total cans of milk inspected.....	<u>5,513</u>

Number of samples of milk delivered to chemist from milk dealers.....	41
Number of samples of herds' milk delivered to chemist.....	16
Number of samples of milk below State standard.....	<u>29</u>

Number of samples of milk assisted in taking.....	12
Number of samples of herds' milk assisted taking.....	10

BUTTER INSPECTED.

Number of specimens of butter inspected.....	290
Number of samples of oleomargarine assisted in taking.....	2

VINEGAR INSPECTED.

Number of barrels of vinegar assisted inspecting.....	34
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M. T. CAIN.

Number of days inspecting veals at railroad stations, express offices, express cars, slaughter-houses, meat markets and meat wagons.....	183
Number of days assisting inspecting milk	26
Number of days assisting taking samples of milk of herds.....	8
Number of days assisting inspecting butter	2
Number of days assisting inspecting freight depots and express offices for oleomargarine	3
Number of days assisting inspecting circus cooking establishments' dining hall at circus grounds and witnessing taking samples of oleomargarine.....	6
Number of days obtaining reports of creameries.....	3
Number of days examining herds of cattle.....	3
Number of days special work	8
Total days	242
Number of express offices examined.....	365
Number of cars examined	147
Number of slaughter-houses examined	8
Number of meat markets examined.....	91
Number of butchers' wagons examined.....	51
Number of packing houses examined.....	26
Total	688
Number of veals seized.....	3

PROSECUTIONS.—MILK.

Case No. 9220.—Recovery \$50 and costs.
Case No. 9755.—Recovery \$50 and costs.
Case No. 9751.—Recovery \$50 and costs.
Case No. 9209.—Recovery \$50 and costs.
Case No. 9221.—Recovery \$50 and costs.
Case No. 9222.—Recovery \$50 and costs.
Case No. 9223.—Recovery \$50 and costs.
Case No. 9231.—Recovery \$50 and costs.
Case No. 8961.—Recovery \$50.
Case No. 9978.—Recovery \$50 and costs.
Cases Nos. 9758, 9759.—Recovery \$50 and costs.
Cases Nos. 9988, 9990.—Recovery \$50 and costs.
Case No. 9338.—Supreme Court, Wyoming county. Verdict, no cause of action.
Cases Nos. 11253, 11254.—Recovery \$50 and costs.
Case No. 9999.—Recovery \$50 and costs.
Case No. 9963.—Recovery \$50.
Case No. 7194.—Discontinued.

- Case No. 9977.—Recovery \$50 and costs.
 Case No. 9225.—Recovery \$50.
 Case No. 9189.—Discontinued owing to the death of Agent C. J. Morgenstern. Because of the death of said agent proof of plaintiff's case could not be made.
 Case No. 11276.—Recovery \$50 and costs.
 Case No. 11277.—Recovery \$50.
 Case No. 11251.—Recovery \$50.
 Case No. 9763.—Recovery \$50 and costs.
 Cases Nos. 9986, 9987.—Recovery \$50 and costs.
 Case No. 9168.—Recovery \$25.
 Case No. 6696.—Recovery \$25.
 Cases Nos. 9968, 9969, 9970, 9971, 9967.—Recovery \$125.
 Case No. 7266.—Recovery \$25 and costs.
 Cases Nos. 9787, 9788, 9789, 9790.—Settled by payment of costs by order of the Attorney-General.
 Cases Nos. 9972, 9973.—Recovery \$100.
 Case No. 9185.—Recovery \$25 and costs.
 Case No. 9184.—Recovery \$25 and costs.
 Case No. 8071.—Supreme Court, Genesee county, N. Y. Discontinued owing to the death of Agent C. J. Morgenstern. Because of the death of said agent proof of plaintiff's case could not be made.
 Case No. 9309.—Supreme Court, Genesee county, N. Y. Court ruled no cause of action.
 Case No. 8085.—Supreme Court, Wyoming county, N. Y. Trial resulted in a verdict of no cause for action.

OLEOMARGARINE.

- Cases Nos. 4265, 4267.—Recovery \$200.

MILK PROSECUTIONS.

The following cases are pending: Nos. 9952, 9169, 9315, 9327, 9331, 9333, 9334, 9212, 9213, 9243, 9244, 9245, 9247, 9191, 9965, 9957, 9962, 8073, 9208, 9760, 11282, 9219, 9224, 9766, 9998, 10000, 11270, 8051, 9772, 9161, 9162, 9762, 10779, 9230, 9983, 9775, 9975, 11265, 11267, 9163, 9980, 9981, 9982, 11279, 11259, 11257, 11260, 11262, 11258, 7190, 7191, 7282, 9175, 9339, 9218, 11269, 9770, 9771, bob veal case.

In closing I wish to thank the agents, chemist and counsel for the interest and zeal shown in the discharge of their duties.

Respectfully yours,

VERLETT C. BEEBE,

Assistant Commissioner.

Report of William T. Hughes.

Hon. CHARLES A. WIETING, *Commissioner of Agriculture*:

Dear Sir.—As Assistant Commissioner for the Eighth Division, comprising the counties of Cayuga, Monroe, Ontario, Seneca, Wayne and Yates, I have the honor to submit the following report of agricultural conditions and of the work performed under my direction during the year ended September 30, 1901:

Probably no other section of the State better illustrates the changed conditions of agriculture than the Genesee Valley. Comparatively a few years ago this was one of the great grain producing regions of the country. Two causes have led to the loss of its pre-eminence in this direction—the opening to tillage of vast tracts of cheaper land in the West, and the demands of the rapidly growing urban population of the East for dairy products, fowls, eggs, fresh fruits and vegetables.

The farmer is learning rapidly that his best hope of prosperity lies in catering to the wants of the cities and villages of the State, and especially to the great New York market. The products of State farms command the best prices in New York because they reach there in better condition than those which have to be preserved by artificial means for several days during transportation.

One result of the new methods in farming is seen in the cutting up of large estates into small farms. This has been noticeable in the vicinity of Rochester, where the former wheat fields of several townships have been converted into market gardens. Farmers have found that by careful cultivation of articles of food for urban consumption it is possible to make five acres of land earn as much money as could formerly be made by seeding one hundred acres with grain. The adoption of the system of small farming undoubtedly has prevented an enormous loss in the aggregate value of the farm lands of the

State. In those localities where the method has been put in practice land values have been multiplied, while in sections where farming is conducted on old-fashioned lines there has been a steady decrease in the selling price of farms.

Fruit culture is a prominent and remunerative feature of modern farming. Products of the orchard, the vineyard and the berry patch find a ready market, and fruit growers, as well as producers of garden vegetables, are protected against loss in case of overproduction by the demand of canning factories for the surplus of their crops. There are many such factories in this division, some of which send their products to all parts of the world. They exercise a powerful influence in sustaining the prices of fruits and vegetables.

Great benefit results from the efforts of this Department and the agricultural societies of the State to educate farmers in everything which pertains to their calling. The State and local fairs and the farmers' institutes are agencies of the highest value for the dissemination of practical knowledge, and the liberality of the Legislature in making appropriations for these purposes is appreciated by the rural population. The agricultural press also is doing valuable work in giving information of every development of scientific and economic farming, and is entitled to the cordial support of all who are interested in the progress of agriculture. This year the farmers of this State have been especially favored in the holding of the Pan-American Exposition at Buffalo, where the exhibits of this Department and of the National Department of Agriculture have been of great educational value.

One of the most striking results of the adoption of new methods in agriculture has been the production of a scarcity of farm labor never before known in this State. In spite of the high wages offered it is impossible to obtain an adequate supply of help, and this appears to be true in other States as well as in New York. The labor problem is the most serious one which now confronts the farmer. At the same time we read constantly of the "army of unemployed" in the cities and of the

distress of the tenement population of New York. It may be that the natural law of supply and demand in time will correct the conditions which now work to the disadvantage of both city and country, but if philanthropists and social reformers could induce some of the surplus labor of the great cities to seek employment on the farms they would confer an immediate benefit on all concerned.

One of the chief needs of a State like this, nearly three-fourths of whose people live in cities and large towns, is an adequate supply of pure milk. As in former years, my efforts have been directed largely to this end. That the dairy interests of the State are inadequate to meet the demands made upon them is proved by the scarcity of the product, which always occurs in summer. There is never a year that we do not hear of a milk famine in New York, and it is this condition which furnishes the temptation and the excuse for adulteration of one of the most important articles of food.

Owing to the taking up of large tracts of near-by lands for market gardening, the city of Rochester draws its milk supply year after year from points farther and farther distant. This results in an increase in the proportion of milk shipped into the city by rail and a decrease in that drawn in on wagons and peddled by the producers. This condition in itself fosters adulteration, since a dairyman who might hesitate to deliver impure milk to customers whom he personally knows is less scrupulous in dealing with a middleman.

During the winter and spring months of this year our agents found that the milk delivered to consumers in this division was almost uniformly of good quality. With the advent of hot weather, however, the usual number of cases of adulteration was discovered. It has been urged in some cases, as in a measure excusing dealers for selling milk below standard, that they were compelled to adulterate it in order to supply all their customers. In some cases the delinquents took refuge behind the excuse that the milk produced by their cows was of poor quality, but tests at the dairies in all instances disproved these

statements. Every case affording reasonable ground for prosecution was reported promptly to you.

During the last year decisions have been rendered by the courts on a case arising in this division which are likely to have a far-reaching effect on prosecutions for the sale of milk which fails to meet the legal standard. The case was No. 8422, entitled "The People against Mathew Wiard," an action for a penalty in the Supreme Court. The action was the result of an inspection of eight cans of milk offered for sale by the defendant. The samples taken from some of the cans, when tested by the Babcock machine, were found to be below the legal standard in fat and solids. One of the samples was analyzed by Prof. S. A. Lattimore, and upon his report the proceedings were instituted. Justice Nash, before whom the case was tried on October 26, 1900, dismissed the complaint, holding that the agents of the Department ought to have mixed the entire shipment of milk and taken a sample from the mass. On appeal his decision was affirmed by the Appellate Division. It remains for the Court of Appeals to pass finally upon the important question raised by this case.

Experience in this division proves that the decisions above cited, if sustained by the court of last resort, will operate in many cases to protect producers in the sale of milk, portions of which do not satisfy the requirements of law. In numerous instances agents of the Department, testing several cans of milk in the possession of a producer, have found one or more cans below the legal standard and others above. It generally occurred that, applying the rule laid down by Justice Nash, a sample taken from the whole mass would have been above the standard or so near it as to render improbable the success of a prosecution of the producer. Where the milk produced by a dairy is of good quality it would be possible to skim or water the evening's milk and yet leave it in such a state that, when mixed with the product of the morning milking, the mass would be above standard. Should the Court of Appeals sustain the decisions under which such an abuse is possible, the interests of con-

sumers may require further action on the subject by the Legislature.

Much attention has been given to the enforcement of the law requiring proper sanitary conditions in dairy barns. There has been a steady and vast improvement in this direction since the enactment of the statute. In addition to prosecuting offenders, efforts have been made, and with much success, to convince owners of dairies that it pays to provide clean and comfortable quarters for their cattle.

A like improvement has been brought about by the efforts of the Department in the sanitary arrangements of cheese factories and creameries throughout this division. Proprietors of these establishments have been made to realize that their products must be sent to market not only free from adulterants, but that the law requires that they shall be clean and uncontaminated by the germs of disease. Agents have been instructed that no duty is more important than to enforce absolute cleanliness in all places where articles of food are prepared.

Many inspections have been made in all parts of the division with a view to ascertaining the healthfulness of horses, cattle and hogs. Not a single case of infectious disease has been discovered.

On March 20, 1901, you called my attention by letter to reported outbreaks of rabies in various portions of this division, and particularly in the villages of Churchville and Honeoye Falls. Similar reports had come to my notice prior to your communication and had been thoroughly investigated by agents Bernhard, Langdon and Quigley, so that I was able to assure you on March 26th that there was no proof that a single case of the disease had occurred in this division. My conclusion was confirmed by the fact that no genuine case of the malady was discovered at any later period, while the alarm produced by sensational rumors speedily subsided. At about the same time the subject was investigated by the board of supervisors of Monroe county and the common council of the city of Rochester. The former body, after much deliberation, dropped the subject,

while the latter passed an ordinance designed to insure safety in the keeping of dogs within the city limits.

No oleomargarine has been found on sale in this division. Agent Joseph M. Quigley ascertained that two small shipments of this product had been made by a Western manufacturer to keepers of boarding houses in Rochester. It was impossible to locate the consignees, to whom the goods were billed under fictitious names. It was learned, however, that a selling agency for the product existed in the Tenth Division, and the facts were reported to Assistant Commissioner James P. Clark. A successful prosecution of the dealer followed.

Most of the vinegar sold in this division is the product of factories and of good quality. Every sample taken during the year was found to be above the legal standard. The law relating to the sale and shipment of calves and veal was well observed. No cases were made under this statute.

It gives me pleasure to acknowledge your cordial support in all matters to which I have called your attention during the year. I desire also to commend the faithful service of the four agents of the Department assigned to this division, and the zeal manifested by attorneys selected by the Attorney-General to prosecute cases reported by me.

A summary of the inspections made during the year, together with detailed reports of the prosecutions instituted and the results obtained, will be found below:

GEORGE BERNHARD.

Cans of milk inspected.....	13,963
Barrels vinegar inspected.....	346
Packages butter inspected.....	400
Number of milk inspections	2,913
Number of vinegar inspections	143
Number samples milk below standard.....	37
Number samples milk taken.....	226
Number samples vinegar taken.....	3
Number creameries inspected	40
Number cheese factories inspected.....	6
Number milk stations inspected.....	1
Number barns inspected	39
Number dairies inspected	39
Days attending court.....	6
Days special work.....	8

JAMES E. LANGDON.

Cans of milk inspected.....	13,787
Barrels vinegar inspected.....	402
Packages butter inspected.....	509
Number of milk inspections	2,872
Number of vinegar inspections	176
Number samples milk below standard.....	35
Number samples milk taken.....	218
Number samples vinegar taken.....	3
Number creameries inspected	29
Number cheese factories inspected.....	6
Number milk stations inspected.....	1
Number barns inspected	25
Number dairies inspected	25
Days attending court.....	10
Days special work.....	<u>4</u>

JOSEPH M. QUIGLEY.

Cans of milk inspected.....	7,152
Barrels vinegar inspected.....	552
Packages of butter inspected.....	2,265
Carcasses veal inspected.....	2,023
Number of milk inspections	1,654
Number of vinegar inspections	61
Number samples of milk below standard.....	35
Number samples of milk taken.....	181
Number creameries inspected	34
Number cheese factories inspected.....	12
Number milk stations inspected.....	4
Number barns inspected	80
Number dairies inspected	80
Days attending court.....	12
Days special work.....	<u>10</u>

JOHN W. SMITH.

Cans of milk inspected.....	6,256
Barrels vinegar inspected.....	281
Packages butter inspected.....	716
Carcasses veal inspected.....	3,660
Number of milk inspections.....	1,529
Number vinegar inspections	40
Number samples of milk below standard.....	31
Number samples of milk taken.....	176
Number creameries inspected	35
Number cheese factories inspected.....	9
Number milk stations inspected.....	10
Number barns inspected	29
Number dairies inspected	29
Days attending court.....	6
Days special work.....	<u>2</u>

PROSECUTIONS.—MILK.

Case No. 8422.—Non-suit granted defendant. Case appealed.

Case No. 8437.—Non-suit granted defendant.

Cases Nos. 9087, 9088, 9803.—Recovery \$103.55 and \$30.69 costs.

Cases Nos. 9837, 9838.—Cases dropped.

Case No. 9839.—Cream.—Non-suit granted defendant. Appealed from and new trial ordered.

Case No. 9853.—Cream.—Recovery \$25 and \$27 costs.

Case No. 9866.—Milk.—Recovery \$25 and \$26.50 costs.

Case No. 9871.—Recovery \$27 and costs.

Case No. 9873.—Recovery \$35 and \$49 costs.

Case No. 9882.—Pending.

Case No. 9889.—Pending.

Case No. 9890.—Cream.—Pending.

Case No. 9897.—Milk.—Pending.

Case No. 9891.—Pending.

Cases Nos. 10451, 10453.—Recovery \$50 and \$50 costs.

Cases Nos. 10455, 10456, 10458, 10460, 10461 and 10462.—Pending.

Case No. 10478.—Tried in County Court. Verdict of no cause of action. Appealed on judge's minutes and new trial granted.

Case No. 10485.—Recovery \$25 and \$25 costs.

Case No. 10490.—Pending.

Cases Nos. 10492, 10493.—Recovery \$50 and \$50 costs.

Case No. 10501.—Defendant convicted in Police Court and judgment suspended.

Case No. 10502.—Dropped.

Case No. 10504.—Recovery \$50 and costs.

Case No. 10509.—Pending.

Case No. 10513.—Pending.

Case No. 10515.—Defendant convicted in Justice's Court and sentence suspended.

Case No. 10519.—Recovery \$25 and \$25 costs.

Case No. 10520.—Recovery \$25 and \$25 costs.

Case No. 10527.—Pending.

Case No. 10535.—Recovery \$25 and \$27 costs.

Cases Nos. 10537, 10538.—Recovery \$50 and \$59.56 costs.

Cases Nos. 10547, 10550.—Recovery \$50 and \$56.32 costs.

Case No. 10553.—Recovery \$100.

Case No. 10555.—Pending.

Cases Nos. 10561, 10566.—Recovery \$200.

Case No. 10568.—Recovery \$100.

Case No. 10584.—Recovery \$25 and \$31.88 costs.

Case No. 10591.—Recovery \$25 and \$25 costs.

Cases Nos. 10730, 10731, 10732.—Recovery \$200.

Case No. 10746.—Recovery \$25 and \$29.60 costs.

Cases Nos. 10804, 10805.—Pending.

Case No. 10806.—Pending.

Cases Nos. 10814, 10815.—Recovery \$50 and \$57 costs.

Case No. 10818.—Pending.

Case No. 10841.—Pending.

Case No. 10842.—Pending.

Cases Nos. 10843, 10844.—Pending.

Cases Nos. 10901, 10902, 10903, 10904 and 10905.—Pending.

Case No. 10926.—Pending.

Case No. 10927.—Pending.

Case No. 10930.—Pending.

Case No. 10934.—Pending.

Case No. 10936.—Pending.

Case No. 10939.—Pending.

Case No. 10940.—Pending.

Case No. 10947.—Pending.

Case No. 10951.—Pending.

Case No. 11003.—Pending.
 Case No. 11005.—Pending.
 Case No. 11011.—Pending.
 Case No. 11025.—Recovery \$100 and \$29.66 costs.
 Cases Nos. 11028, 11029.—Pending.
 Cases Nos. 11031, 11032.—Pending.
 Cases Nos. 11040, 11042.—Pending.
 Case No. 11041.—Pending.
 Case No. 11044.—Pending.
 Case No. 11045.—Pending.
 Case No. 11051.—Pending.
 Case No. 11057.—Pending.
 Case No. 11066.—Pending.
 Cases Nos. 11074, 11075.—Pending.

MILK SUPPLY OF ROCHESTER.

	Gallons.
Shipped via New York Central and West Shore railroads.....	1,372,400
Shipped via Erie railroad	657,000
Shipped via Lehigh Valley railroad.....	73,100
Shipped via Buffalo, Rochester and Pittsburg railroad.....	71,500
Shipped via Sodus Bay railroad.....	52,560
Shipped via Pennsylvania railroad	7,400
Shipped via Rome, Watertown and Ogdensburg railroad.....	7,350
Brought in by wagons, estimated.....	3,520,600
Produced from cows in city.....	424,000
Cream received via railroad and wagons.....	99,110
Total	<u>6,255,020</u>

Respectfully submitted.

WILLIAM T. HUGHES,
Assistant Commissioner.

Report of John H. Grant.

HON. CHARLES A. WIETING, *Commissioner of Agriculture:*

Dear Sir.—I have the honor to submit the annual report of the Ninth Division of the Department, comprising the counties of Erie, Niagara and Orleans, for the year beginning October 1, 1900, and ending September 30, 1901.

On October 15, 1900, I was appointed by you as Assistant Commissioner, relieving on October 18th Mr. W. C. Patrick, who had been in charge of the division the preceding seven months. On assuming charge the working staff of this office consisted of five special agents, viz.: John J. Coughlin, John R. Earl, William B. Reading, Clayton J. Standart and Charles A. Warren, all men of intelligence and extended experience and who rendered the State good service in the detection of violations of the Agricultural Law. The Department chemist, Dr. John A. Miller, has faithfully performed his work early and late, and has furnished valuable counsel to myself and agents many times during the year.

Owing to the Pan-American Exposition the work of the division has been much increased during the year, and to the courtesy of the exposition management we are indebted for unhindered admittance to the grounds at all times on official duty. This official scrutiny, I believe, reduced to the minimum the introduction and sale of adulterated and prohibited products within or near the exposition.

MILK.

The supervision of the milk supply in Buffalo engrossed the attention and time of the agents to a considerable degree; especially has this been so in doubtful cases between the retail dealer and producer, entailing, as it does, looking into the local station supply, the producer's shipping station and his herd. One of the most important matters connected with a city milk supply not only to the consumer but to the retail peddler is to have a milk supply of full nutritive value; i. e., above the minimum of the legal standard. It has been my experience that at certain times, and in some instances at all times of the year,

retail milk dealers are found with milk verging on the minimum or below in fat and solids not fat, and upon investigation the cause has been brought home to the herd from which the milk was produced. There is a great deal of this poor milk being disposed of in large cities, side by side with milk of good quality and at the same price, cheating the consumer of a portion of what he pays for and frequently causing the innocent milk peddler to have his good name impugned. Most of this kind of milk is worked off to restaurants and cheap eating places. To reach cases of this nature, where two or more cows in a herd are old and fit only for beef, an amendment to the laws governing the sale of milk might be made requiring Babcock tests of the milk of each cow separately in suspected herds, and if any are found deficient, the sale of milk of such herds should be forbidden until the deficiency is made good by substitution of younger or better animals. In this division about 30 cases of this kind have been investigated during the year, occasioning considerable work and expense without any tangible results, except that in one case two old cows were replaced by two younger ones, with a result of raising the fat content of the herd's milk from 2.8 to 3.5 per cent.

The total quantity of milk and cream received in Buffalo during the year has been over 12,000,000 gallons, divided among sources of transportation as follows:

	Gallons.
Delaware, Lackawanna and Western Railroad.....	1,081,303
Erie Railroad.....	2,500,000
Buffalo, Rochester and Pittsburg Railroad.....	866,499
Pennsylvania Railroad (W. N. Y. & P.).....	1,880,730
New York Central and Hudson River Railroad.....	864,922
West Shore Railroad.....	164,820
American Express Company.....	411,830
Wells-Fargo Express Company.....	1,747,200
United States Express Company.....	400,000
By wagon.....	2,200,000
Total	<u><u>12,117,365</u></u>

FACTORIES.

There are 61 cheese factories and 17 creameries in this division, the surroundings of which, with one exception, were found in good sanitary condition. The one exception was an Italian cheese factory where conditions in vogue were not of the best, and the proprietor was instructed to place his factory in a clean condition and protect the cheese made from exposure to insects, as the law prohibited the exposure for sale or the offering for sale of any unclean dairy product. All of the factories have not been inspected this year, but it is the intention to have them all thoroughly gone over at the beginning of the next season. The few complaints that have been made were attended to immediately after notification.

OLEOMARGARINE AND RENOVATED BUTTER.

But little oleomargarine or imitation butter has been found in this division during the year past. Systematic and thorough inspections have been made of all places likely to have either on hand for sale or use, such as commission houses, hotels, railroad freight houses, express depots and restaurants, but except in one instance we have failed to find any. The one instance was the finding of three boxes of oleomargarine in a railroad freight house, but it was found later, after close watch, that the stuff had been sent here through a mistake and it was returned from whence it came. At the same time our agents discovered a number of tubs containing oleomargarine being transferred from one railroad car to another for shipment to a city in the interior part of the State and in another division. The Assistant Commissioner of that division was promptly notified, with the result that the party to whom it was consigned was found with it and was obliged to pay quite a penalty. It having come to my knowledge that lake steamboats plying between Buffalo and other lake ports outside

the State were serving their crews with oleomargarine while tied up to the docks in Buffalo, notices were sent to the managers of the principal transportation lines that they were violating Section 28, Article I, of the Agricultural Law, and that in future the law would be strictly enforced on all boats within our jurisdiction. Following these notices an inspection was made on the boats with the result that six of them were found still serving the stuff on the crew's mess tables. These cases were referred to the Department at Albany for prosecution.

A great quantity of so-called renovated or process butter has been on sale in this division, and as a rule the original packages have been found marked as required by law, but in many instances, as in the prints, the law has not been fully observed, the words "Renovated Butter" being placed in an obscure part of the paper covering the print and sometimes entirely hidden by a fold of the paper. Again, rubber stamps are used which, while conforming to the law as regards length of letter, violates its spirit by making the letter in hair-like lines and does not fulfill the clear intent of the law in requiring that the words "Renovated Butter" be plainly seen. Again, on the markets, the mass of butter is emptied from tubs and exposed on the counters for sale with good butter unmarked contrary to law. Some of the most flagrant cases have been reported to your office for prosecution. The excuse these marketmen give is that if the process butter be marked it can not be sold at their price, and if they do mark it they lose trade while their neighbor at the next stand with the same material unmarked has no trouble in selling.

VINEGAR.

Frequent inspections of vinegar factories and of wholesale and retail groceries have been made with the result that one of the factories has gone out of business besides paying quite a sum in penalties, while two others are now being prosecuted for making and selling a spurious cider vinegar. It is believed that a vigorous prosecution of these two concerns will prove that violations of the vinegar law by them is not a very profitable business. Outside of these factories but little adulterated vinegar has been found. A few cases of cider vinegar bought of farmers on the market have been found a little below standard, but as the article was otherwise pure they were not prosecuted. A number of retail grocers have also been found with bad vinegar, but in every case it has been traced as coming from the three concerns mentioned. In some instances the grocers were backed by these factories, and all such have been referred to you for prosecution.

BOB VEAL.

We have endeavored to see that the immature veal law is observed. Some prosecutions have followed. Most of the veal used here for consumption is brought in by express companies and by wagon from near-by towns and villages. This latter requires strict watching, and for that reason this division is in need of the services of an expert bob-veal inspector.

CONTAGIOUS DISEASES OF ANIMALS.

This division has fortunately been free from any serious outbreak of disease among animals during the year. One or two cases of rabies were reported from Orleans county, Murray township, occasioning some alarm, but prompt action on the part of the health board of the village of Holley, and of this Department in the village of Hulberton, in quarantining suspicious animals caused the alarm to be quieted and a disappearance of

all traces of the disease. One case of supposed tuberculosis in a cow in Wales township, Erie county, upon investigation by this office turned out to be a case of rheumatoid arthritis, with considerable emaciation. One case of supposed actinomycosis or lump jaw in the township of Colden was found to be a swelling in the jaw due to the presence of a foreign body bone. Two cattle were reported as having died of anthrax at Beach Ridge in Pendleton township, Niagara county. A local veterinarian was called in by the farmer and adopted precautionary measures. I investigated the circumstances attending the case, and while not prepared to question the diagnosis made by the veterinarian, the people there believe the animals died from overfeeding on green plants which may have been poisonous, and the symptoms described by them would tend to corroborate the contention. The bodies had been destroyed when I arrived on the ground and no post-mortem was held.

BARNs AND COW STABLES.

The general condition of cow barns has been fairly good, but there is room for improvement in ventilation and surroundings in many of them. A few complaints have been investigated but in each case were found to be groundless. A number of barns were inspected by the agents and myself that were found overcrowded and with unsanitary floors. In each instance the defects were pointed out to the owner and as a rule were remedied by them. This is an important part of our duties, as an overcrowded and unventilated barn is a menace to the health of the animals, producing among them a weakened condition and a less resistant power to bacterial invasion, as in bovine consumption, for instance. This is a subject that might well form part of the curriculum of our farmers' institutes.

The special agents on duty in this division were employed during the year as follows:

HOW EMPLOYED.

	John J. Coughlin.	John R. Earl.	Wm. B. Reading.	C. J. Standart.	C. A. Warren.
<i>Milk.</i>					
At railroad stations, cans inspected	994	1,195	1,640	1,406	1,195
On wholesale wagons, cans inspected	96	130	45	140	130
On peddlers' wagons, cans inspected	2,037	2,693	89	2,338	2,741
In grocery stores, etc., cans inspected	138	53	70	185	53
In milk dairies, cans inspected	30	28	3	41	28
Milking of herds witnessed, number	7	5	2	9	5
Samples of milk delivered to chemist, number	45	64	10	56	64
In cheese and butter factory, number	111	.....	.....	77	.....
Total number cans inspected	3,386	4,104	1,849	4,187	4,152
<i>Vinegar.</i>					
In factories, barrels	6	21	14	13	21
In stores, barrels	46	155	20	45	155
Vinegar samples delivered to chemist, number	15	33	17	15	33
Total number barrels inspected	52	176	34	58	176
<i>Butter.</i>					
In stores, number specimens	303	1,109	52	485	1,109
In hotels, restaurants, etc., number specimens	197	286	25	136	286
Total number of specimens	500	1,395	77	621	1,395
Inspecting veal, days	10	17	5	7	17
Special duty—Inspecting cowbarns contagious diseases, etc., days	67	31	58	29	28
Gathering evidence, days	12	2	16	7	.....
Attending court, days	5	13	9	11	13
Whole number of days inspecting	180	212	81	210	220
Whole number of days employed	274	275	169	264	278

PROSECUTIONS.

The following cases of violations of the Agricultural Law have been made, settled or otherwise disposed of during the year ended September 30, 1901:

MILK.

- Case No. 9684.—Discontinued by direction of the Attorney-General.
- Case No. 9688.—Herd No. 1415.—Supreme Court, Erie county. Pending.
- Case No. 9678.—Supreme Court, Erie county. Pending on calendar.
- Case No. 9677.—Supreme Court, Erie county. Recovery \$25 and \$26 costs.
- Case No. 9696.—Herd No. 1416.—Supreme Court, Erie county. Recovery \$25 and costs.
- Case No. 9551.—Herd No. 1417.—Supreme Court, Erie county. Recovery \$50 and \$30.10 costs. Remains unsatisfied.
- Case No. 9695.—Supreme Court, Erie county. Recovery \$25 and \$26 costs.
- Case No. 9552.—Herd No. 1418.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.
- Case No. 9700.—Supreme Court, Erie county. Pending.
- Case No. 9555.—Supreme Court, Erie county. Pending.

Case No. 9556.—Supreme Court, Erie county. Pending.

Case No. 9564.—Supreme Court, Erie county. Recovery \$25.

Case No. 9567.—Herd No. 1420.—Pending.

Case No. 9571.—Supreme Court, Erie county. Recovery \$25 and \$26 costs.

Case No. 9566.—Supreme Court, Erie county. Recovery \$50 and \$15 costs.

Case No. 9573.—Supreme Court, Erie county. Recovery \$25 and \$20 costs.

Case No. 9572.—Supreme Court, Erie county. Recovery \$25 and \$15 costs.

Case No. 9577.—Supreme Court, Erie county. Recovery \$25.

Case No. 9699.—Supreme Court, Erie county. Recovery \$25.

Case No. 9561.—This case was not served, as the People's counsel thought best not to because the sample was not actually taken from the defendant, but from a grocery store where it had been sold by defendant.

Case No. 9580.—Herd No. 1419.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.

Case No. 9581.—Herd No. 1419.—Discontinued.

Case No. 9585.—Herd No. 1419.—Discontinued.

Case No. 9588.—Supreme Court, Erie county. Recovery \$50 and \$27.22 costs.

Case No. 9591.—Herd No. 1422.—Supreme Court, Erie county. Pending.

Case No. 9593.—Herd No. 1423.—Supreme Court, Erie county. Pending.

Case No. 9587.—Herd No. 1424.—Supreme Court, Erie county. Pending.

Case No. 9689.—Pending.

Case No. 9708.—Supreme Court, Erie county. Recovery \$25 and \$26 costs.

Case No. 9713.—Herd No. 1421.—Supreme Court, Erie county. Recovery \$50 and \$26.84 costs and disbursements.

Case No. 9596.—Supreme Court, Erie county. Recovery \$25 and \$26 costs.

Case No. 9715.—Supreme Court, Erie county. Recovery \$85 and \$21.50 costs.

Case No. 9721.—Supreme Court, Erie county. Recovery \$75 and \$26 costs.

Case No. 9728.—Herd No. 1427.—Supreme Court, Erie county. Pending.

Case No. 9726.—No action taken by counsel as defendant was accidentally killed on railroad in September, 1901.

Case No. 9740.—Supreme Court, Erie county. Pending.

Case No. 9736.—Supreme Court, Erie county. Recovery \$25 and \$26 costs.

Case No. 9738.—No action taken by counsel as the defendant was accidentally killed on railroad in September, 1901.

Case No. 10654.—Supreme Court, Erie county. Pending.

Case No. 10661.—Herd No. 1432.—Supreme Court, Erie county. Pending.

Case No. 10658.—Supreme Court, Erie county. Pending.

Case No. 10663.—Supreme Court, Erie county. Pending.

Case No. 10673.—Supreme Court, Erie county. Pending.

Case No. 10677.—Recommended to be discontinued on payment of costs.

Case No. 10684.—Herd No. 1433.—Supreme Court, Erie county. Pending.

Case No. 10685.—Herd No. 1431.—Supreme Court, Erie county. Pending.

Case No. 10694.—Supreme Court, Erie county. Recommended to be discontinued upon payment of costs.

Case No. 10764.—Herd No. 1608.—Supreme Court, Erie county. Pending.

Case No. 10785.—Referred to Commissioner of Agriculture.

Case No. 10786.—Referred to Commissioner of Agriculture.

Case No. 11302.—Herd No. 1475.—Referred to Commissioner of Agriculture.

Case No. 11303.—Referred to Commissioner of Agriculture.

Case No. 10787.—Referred to Commissioner of Agriculture.

Case No. 10310.—Referred to Commissioner of Agriculture.

Case No. 11313.—Referred to Commissioner of Agriculture.

Case No. 11317.—Referred to Commissioner of Agriculture.

Case No. 11321.—Herd No. 1610.—Referred to Commissioner of Agriculture.

Case No. 11320.—Referred to Commissioner of Agriculture.

Case No. 11325.—Not referred at date of report.

VINEGAR.

- Case No. 2280.—Supreme Court, Erie county. Recovery \$25.
- Case No. 2279.—Supreme Court, Erie county. Recovery \$25.
- Case No. 2282.—Supreme Court, Erie county. Discontinued.
- Case No. 2289.—Supreme Court, Erie county. Discontinued.
- Case No. 2272.—Supreme Court, Erie county. Discontinued.
- Case No. 2292.—Supreme Court, Erie county. Discontinued.
- Case No. 2271.—Supreme Court, Erie county. Discontinued.
- Case No. 2291.—Not prosecuted.

The following additional vinegar cases were made during September, 1901, and referred to the Commissioner of Agriculture September 27, 1901, pending designation of counsel:

Nos. 2242, 2243, 2244, 2295, 2241, 2298, 2239, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 718, 719, 2234, 2235, 2236, 2237, 2238, 2240, 2299, and No. 1, Ninth Division, barrels containing vinegar not branded.

OLEOMARGARINE.

- Case No. 3612.—Referred to Commissioner of Agriculture.
- Case No. 3701.—Referred to Commissioner of Agriculture.
- Case No. 3751.—Referred to Commissioner of Agriculture.
- Case No. 3613.—Referred to Commissioner of Agriculture.
- Case No. 3614.—Referred to Commissioner of Agriculture.
- Case No. 3752.—Referred to Commissioner of Agriculture.

RENOVATED BUTTER NOT SO MARKED.

Cases Nos. 1, 2 and 3.—Referred to the Commissioner of Agriculture.

BOB VEAL.

- Case against Fred. Unger.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.
- Case against C. A. Schintzlus.—Not prosecuted.
- Two cases against C. G. Golde.—Supreme Court, Erie county. Pending.

Prosecutions which were reported in full and pending at date of the last annual report, have been disposed of as follows:

MILK.

- Case No. 8339.—Supreme Court, Erie county. Recovery \$106.40 and \$26.50 costs. Remains unsatisfied.
- Case No. 8258.—Herd sample No. 1470.—Pending.
- Case No. 8268.—Supreme Court, Erie county. Compromised and settled for \$50 and costs.
- Case No. 8267.—Supreme Court, Erie county. Compromised and settled for \$50 and \$25 costs.
- Case No. 8273.—Supreme Court, Erie county. Judgment entered by default January 18, 1901, for \$100 penalty and the costs. The defendant subsequently offered to compromise this case in connection with another case against him, and it is held under consideration.
- Case No. 8278.—Herd No. 1471.—Pending.
- Case No. 8279.—Herd No. 1473.—Pending.
- Case No. 8283.—Supreme Court, Erie county. Judgment rendered for \$25 penalty and \$25 costs. Remains unsatisfied.
- Case No. 8285.—Supreme Court, Erie county. Recovery \$40 and \$26.62 costs and disbursements.
- Case No. 9612.—Supreme Court, Erie county. Recovery \$60 and \$27.24 costs.
- Case No. 8286.—Supreme Court, Erie county. Recovery \$50 and \$10 costs.

Case No. 9607.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.

Case No. 9605.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.

Case No. 9626.—Herd sample No. 1474.—Supreme Court, Erie county. Recovery \$90 and \$27 costs.

Case No. 8264.—Herd No. 1487.—Supreme Court, Erie county. Judgment entered June 28, 1901, for penalty of \$50 and \$30 costs. Remains unsatisfied.

Case No. 9630.—Herd No. 1493.—Supreme Court, Erie county. Pending.

Case No. 9521.—Herd sample No. 1490.—Supreme Court, Erie county. Recovery \$25 and \$10 costs.

Case No. 9522.—Herd No. 1475.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.

Case No. 9529.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.

Case No. 9514.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.

Case No. 9532.—Supreme Court, Erie county. Recovery \$100 and \$25 costs.

Case No. 9524.—Supreme Court, Erie county. Recovery \$50 and \$15 costs.

Case No. 9548.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.

Case No. 9543.—Herd sample No. 1499.—Supreme Court, Erie county. Discontinued.

Case No. 9530.—Herd sample No. 1500.—Supreme Court, Erie county. Recovery \$50 and \$20 costs.

Case No. 9544.—Supreme Court, Erie county. Recovery \$75 and \$25 costs.

Case No. 9662.—Supreme Court, Erie county. Pending.

Case No. 9673.—Herd No. 1482.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.

Case No. 9658.—Herd No. 1412.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.

Case No. 9668.—Herd No. 1414.—Supreme Court, Erie county. Recovery \$45 and \$25 costs.

Case No. 9676.—Herd No. 1413.—Supreme Court, Erie county. Recovery \$25 and \$27 costs.

Case No. 9681.—Supreme Court, Erie county. Recovery \$25 and \$15 costs.

Case No. 1.—Supreme Court, Erie county. Pending.

Case No. 2.—Supreme Court, Erie county. Pending.

Case No. 3.—Supreme Court, Erie county. Pending.

Case No. 5.—Supreme Court, Erie county. Pending.

Case No. 9632.—Supreme Court, Erie county. Recovery \$25 and \$12.50 costs.

Case No. 9517.—No action was begun in this case by instruction from the Attorney-General.

Case No. 9523.—Supreme Court, Erie county. Recovery \$25 and \$12.50 costs.

Case No. 9540.—Held by attorneys pending disposition of a similar case as test.

Case No. 9654.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.

Case No. 9671.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.

Case No. 9672.—Supreme Court, Erie county. Recovery \$75 and costs.

Case No. 9338.—Supreme Court, Erie county. Recovery \$25 and \$25 costs.

Case No. 6140.—Supreme Court, Erie county. Recovery \$25 and \$27 costs.

Case No. 6106.—Supreme Court, Erie county. Recovery \$25 and \$5 costs.

Case No. 8216.—Supreme Court, Erie county. Recovery \$100 and \$86.22 costs.

Case No. 8310.—Supreme Court, Niagara county. Recovery \$25 and \$20 costs.

Case No. 8239.—Supreme Court, Erie county. Recovery \$50 and \$26.50 costs and disbursements.

Case No. 6112.—Pending.

Case No. 7511.—Supreme Court, Erie county. Recovery \$113 and \$26.50 costs.

Case No. 8279.—Pending.

Case No. 9517.—Discontinued.

VINEGAR.

Case No. 2259.—Supreme Court, Erie county. Discontinued.

Case No. 2268.—Supreme Court, Erie county. Discontinued.

Case No. 2270.—Supreme Court, Erie county. Recovery \$25.

Case No. 2273.—Supreme Court, Erie county. Discontinued.

Case No. 2277.—Supreme Court, Erie county. Discontinued.
 Cases Nos. 2278, 2284, 2285, 2287 and 2289.—Recovery \$25 in each case.
 Case No. 2273.—Supreme Court, Erie county. Discontinued.
 Case No. 2274.—Supreme Court, Erie county. Discontinued.
 Case No. 2275.—Supreme Court, Erie county. Discontinued.
 Case No. 2276.—Supreme Court, Erie county. Discontinued.

The following cases were made previous to the present fiscal year but were omitted from the last annual report:

Case No. 7568.—This case was referred to Albany, but became outlawed before counsel was assigned.
 Case No. 7518.—Supreme Court, Niagara county. Recovery \$25 and costs.
 Case No. 7520.—Supreme Court, Niagara county. Recovery \$25 and \$18.20 costs.
 Case No. 7065.—Pending.
 Case No. 8174.—Pending.
 Case No. 8173.—Pending.
 Case No. 9693.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.
 Case No. 9680.—Supreme Court, Erie county. Recovery \$50 and \$26 costs.
 Case No. 9533.—Supreme Court, Genesee county. Recovery \$35 and costs.

BOB VEAL.

These cases are referred to in Mr. Patrick's report as in hands of counsel for prosecution. They have been disposed of as follows:

Case against J. W. Rosendale.—Discontinued.
 Case against John Brooksopp.—Supreme Court, Erie county. Recovery \$50 and \$26 costs.
 Case against Anthony Herlein.—Supreme Court, Erie county. Recovery \$50 and \$25 costs.
 Case against Erick Walters.—Supreme Court, Erie county. Recovery \$50 and \$105.70 costs.

A recapitulation of fines and penalties collected and judgments rendered during the year is as follows:

Fines and penalties collected for adulteration of milk	\$2,220 00
Fines and penalties collected for selling adulteration of vinegar.....	200 00
Fines and penalties collected for selling bob veal..	200 00
Total fines and penalties.....	\$2,620 00
Judgments rendered and outstanding.....	444 40
Total fines, penalties and judgments.....	<u>\$3,064 40</u>

Respectfully yours,

JOHN H. GRANT,

Assistant Commissioner.

Report of James P. Clark.

HON. CHARLES A. WIETING, *Commissioner of Agriculture:*

Dear Sir.—I have the honor herewith to submit my annual report for the year ending September 30, 1901.

The industry and efficiency of the agents of the Department have materially reduced violations of the Agricultural Law in this division during recent years.

Outbreaks of anthrax, which were prevalent in this part of the State last season, have been nearly if not quite suppressed by inoculations conducted by veterinarians in the employ of the Department of Agriculture, very few cases appearing in this division during the year. There is a much better appreciation and a more hearty cooperation on the part of the farmers in preventing the spread of contagious diseases of animals than ever before. The method of controlling such diseases by means of inoculation is just beginning to be understood.

Information furnished this division by Assistant Commissioner Hughes of Rochester, N. Y., led to the admission of the sale of oleomargarine by Mr. Josiah Hess of Belvidere, and the voluntary payment by him to the Attorney-General of \$100 penalty.

A careful watch has been kept of the places where veal carcasses are in transportation or offered for sale, but no violations of the law have been found.

Dr. William Henry Kelly was called in April to examine several cattle and horses in the town of Busti which were exhibiting symptoms of a somewhat peculiar disease which was puzzling to the local veterinarians. He pronounced the disease cerebro spinal meningitis.

A number of scattered cases of probable rabies appeared in Chautauqua county during the latter part of the year 1900. The utmost care has been taken to prevent the spread of this dreaded disease. All animals known to have been bitten by suspicious

dogs have been either confined, muzzled or killed, and the outbreak did not become serious until the month of May, 1901.

On the morning of May 8 a dog appeared on the premises of Mr. H. M. Butler, about three miles west of the city of Jamestown, biting three cows owned by him. This dog was wounded at the time but later in the same day returned to the place where he belonged, and after being kept in confinement for a couple of days and exhibiting no further symptoms of rabies was killed. Knowledge of these circumstances did not come to this office until after the dog was killed. I have given the circumstances somewhat in detail to show that a dog having rabies does not at all times give manifestation of the disease, as is commonly believed. The owner of the cows was requested to suspend the sale of milk for a time, awaiting developments. It was afterward learned that three cows owned by Mr. Townsend Jackson, living near Mr. Butler, were bitten by the same dog on the same day.

A telephone message from Dr. Frank Hunt of Jamestown on May 31st gave information that one of the cows owned by Mr. Butler was showing pronounced symptoms of rabies. The other two cows in this lot had been transferred to a farm in the town of Stockton belonging to Mr. Butler. The party in charge of them was immediately notified that he should make no sale in any way of the milk from the cows in question. The sick cow was killed with the consent of the owner, the brain being removed by Dr. Hunt and sent to Dr. V. A. Moore of Ithaca. On June 20th a report was received from Dr. Moore confirming the diagnosis of Dr. Hunt. All of the six cows which were known to have been bitten, as well as a horse belonging to Mr. McIntyre, the owner of the dog, died after periods of incubation ranging from twenty to eighty-five days. Several animals in the same vicinity died with pronounced symptoms of rabies about the same time, and it was thought probable that they had been bitten by the same dog. The brains of two dogs in the city of Jamestown which were exhibiting symptoms deemed suspicious were removed by Dr. Hunt and forwarded to Dr. Moore, who

reported rabies from the inoculation after periods of incubation of twenty-three and forty-eight days. Much time has been spent in preventing the spread of this much dreaded disease, and the work of Dr. Hunt has been of material aid to the Department.

Dr. C. R. Perkins of Warsaw, while in this division on some other work, appeared before the common council of the city of Jamestown to give information relative to the danger to the inhabitants from the spread of this disease. The council enacted strict quarantine measures, appointed a dog catcher and established a pound, authorizing the dog catcher to capture and place in pound all dogs found running loose without a muzzle, and to collect from the owner the sum of two dollars as a redemption fee.

The towns of Busti, Ellicott and Kiantone were quarantined by this Department and notices posted. The town of Ellery was quarantined by the local authorities, and an aroused public sentiment generally has aided materially in suppressing the disease.

There have been no cases since early in September that have come to the knowledge of this office, and it is probable that danger from the outbreak is over.

In response to a message from the manager of the farm in connection with the Chautauqua County Almshouse at Dewittville a visit was made to that place and it was found that the lungs removed from a calf, which had been slaughtered to furnish food for the inmates, showed unmistakable evidence of tuberculosis. Dr. C. R. Perkins of Warsaw was sent by this Department to investigate the case. Another calf which showed physical evidence of this disease was killed and also found to be tuberculous. With the consent of the county superintendent of the poor, all of the cattle at the county farm were examined by means of the "tuberculin test" by Dr. Perkins, July 22d and 23d. Three out of the herd were pronounced tuberculous. These three animals were appraised by Mr. D. P. Witter, Appraiser, on September 20th, and killed in the presence of Dr. Kelly of Albany, Dr. Perkins of Warsaw and Dr. Hunt of Jamestown, and all showed unmistakable evidence of the disease.

It is very important that the statute relative to having an appraiser in the employ of the State present at the time of the examination be followed closely, and that all animals which are condemned be killed at once.

A number of vinegar and butter samples have been forwarded to the chemists for analysis, but no violations of the law in either respect have been found.

Farmers and dairymen were much disappointed at the failure of Congress to pass the Grout bill, but all are ready to renew the fight with hopes of success the next time.

The work of the cheese instructors is always well received and productive of good results. Regret is often expressed that more of their services cannot be obtained for this division.

The cases reported in last report as pending have been disposed of as follows, as reported by counsel:

MILK.

Label No. 5897.—Recovery \$100 and costs.

Label No. 5893.—Recovery \$25, which remains unpaid.

Label No. 5898.—In same condition as at last report.

Label No. 5899.—Case closed.

Label No. 5934.—Defendant taken into custody and lodged in county jail about two months.

Label No. 7963.—Recovery \$25 and \$25 costs.

Label No. 7967.—Recovery \$50.

Label No. 7983.—Recovery \$50.

Label No. 7369.—Recovery \$50.

Label No. 8209.—Recovery \$50.

Label No. 7310.—Defendant has left the state.

Label No. 7315.—Recovery \$50 and costs.

Label No. 7316.—Recovery \$50.

Label No. 5949.—Recovery \$50.

Label No. 10001.—Recovery \$50.

Label No. 7382.—Defendant absconded.

Label No. 5945.—Still in hands of attorney.

Label No. 7373.—Recovery \$50 and costs.

Label No. 7317.—Recovery \$50.

Label No. 5929.—Pending.

Label No. 7313.—Recovery \$50 and \$25 costs.

Label No. 5941.—Recovery \$50 and costs.

Label No. 5942.—Recovery \$50.

Label No. 7319.—Recovery \$50.

Violations of the Agricultural Law found during the year have been disposed of as follows:

Label No. 10008.—Recovery \$25.

Label No. 10002.—Recovery \$50 and costs.

Label No. 7962.—Judgment of \$25 with \$25 costs. Uncollectible.

Label No. 7311.—Pending.

Label No. 10003.—Pending.

Label No. 7364.—Pending.

Label No. 7325.—Recovery \$50.

The following violations have been reported to your Department for the prosecution of which counsel has not yet been designated:

Label Nos. 7958, 7350, 7952, 5948, 10004, 10005, 10006, 5946, 7953, 7331, 5860, 5866.

REPORT OF JOHN E. KRUSE, SPECIAL AGENT.

Number of cheese factories inspected.....	76
Number of butter factories inspected.....	8
Number of cities and villages inspected.....	24
Number of shipping stations inspected.....	3
Number of dairies inspected	20
Number of stores, hotels and restaurants inspected.....	215
Number of samples of milk inspected.....	2,635
Number of samples of butter inspected.....	398
Number of samples of vinegar inspected.....	254
Number of seals inspected	77
Number of samples of milk sent to chemist taken at butter and cheese factories.	18
Number of samples of milk sent to chemist taken at dairies.....	18
Number of samples of milk sent to chemist taken from dealers.....	2
Number of samples of butter sent to chemist.....	1
Number of days of inspection work.....	235
Number of days attending court.....	11
Number of days taking census of butter and cheese factories.....	6
Number of days recovering State cheese brands.....	8
Number of days investigating rabies.....	5

REPORT OF C. B. WAKEFIELD, SPECIAL AGENT.

Number of cheese factories inspected.....	89
Number of butter factories inspected.....	5
Number of cities and villages inspected.....	24
Number of dairies inspected	24
Number of stores, hotels and restaurants inspected.....	210
Number of samples of milk examined.....	2,710
Number of samples of vinegar examined.....	260
Number of samples of butter examined.....	376
Number of samples of milk sent to chemist from butter and cheese factories...	17
Number of samples of milk sent to chemist from dealers.....	2
Number of samples of butter sent to chemist.....	4
Number of samples of vinegar sent to chemist.....	4
Number of days inspection work.....	238
Number of days attending court.....	11
Number of days on census of cheese and butter factories.....	11
Number of days collecting State brands.....	11
Number of days of special work.....	8
Number of days investigating rabies.....	5

I wish again to express my thanks to Agents C. B. Wakefield and John E. Kruse and to Chemists Hugh C. Troy and John A.

Miller for the interest they have at all times taken in the work of the Department. Also to Drs. Kelly, Perkins and Hunt for the very effective work they have done in this division and the valuable information imparted.

Yours very respectfully,

J. P. CLARK,

Assistant Commissioner.

Report of William Henry Kelly.

HON. CHARLES A. WIETING, *Commissioner of Agriculture*:

Dear Sir.—I herewith respectfully submit to you a report on work done by me for the Department for the past year.

BLACK QUARTER.

Twenty cases of black quarter were reported and investigated. Prior to vaccination 10 calves, 65 yearlings and five two-year-olds died from black leg. In a number of cases the diagnoses were made from the history, as those that had died had been dead for several hours, and post-mortem changes had taken place which would prevent a bacteriological examination or an intelligent post-mortem examination. The following vaccinations were made with black leg vaccine, the vaccine being furnished by the United States Bureau of Animal Industry, viz.: 65 calves, 125 yearlings and 50 three-year-olds.

The reports which the Department sent out relative to black leg seem to have been of some benefit, yet there are a number of farmers who do not realize the importance of immediately burning or burying in lime all animals that die mysteriously, but this should be done for the reason that a number of pathogenic bacteria are spore producing organism. The spores, or what might be called eggs, live for a long time and under favorable conditions will develop and thereby produce the disease from year to year. Then if the carcass is left undestroyed, the disease can be spread over a large territory by dogs, foxes, pole cats, crows, etc., as all of these animals are naturally immune and feed upon the carcass. The contagion is spread by the above-named animals carrying some pieces of the carcass to some distant place.

ACTINOMYCOSIS.

Four cases were investigated, and prior to my visit two were killed on account of their debilitated condition. During the early spring, in Lewis county, there appeared to be an enzootic

of this disease in cattle. Within a radius of a few miles at least 30 head of cattle were affected. In one stable in which there were about 30 head of cattle 18 were more or less affected.

The owner stated that last fall upon putting his cattle into the barn he noticed one especially with a bunch on the jaw. A little later another was noticed to be similarly affected. The disease continued to spread until over half his herd were diseased. Just prior to my visit he killed one, as she could eat but little and was very much emaciated. The cattle were permitted to take any stanchion, which might account for the spread. After a few of his animals were affected he read an advertisement in some stock journal recommending some proprietary medicine. This medicine was guaranteed to cure. Under this treatment the animals gradually grew worse and the disease spread. I recommended the iodide of potash treatment and the barn and stanchions to be disinfected, and that the diseased cattle be kept apart from the unaffected. The affected animals soon made a good recovery and no new cases were reported.

The disease appeared when the cattle were fed dry feed, which is in accordance with Imminger and Claus. The hay was cut from a swamp. Freidberger and Frohner stated that some observations suggest the idea that swampy districts are favorable to the development of actinomycosis. It has been stated that actinomycosis was not a contagious disease, and that attempts to transmit it to other animals have been without results. (Rivolta, Bollinger, Siedamgrotzky, Perreencito, John, Ullmann, Bodemer, and Bostroem.)

Cattle, calves, goats, sheep, pigs, dogs, cats, rabbits and guinea-pigs have remained healthy after inoculation. The positive results obtained by Ponfich, Israel, Rotter and Hanan are, according to Bostroem, simply residual and encapsuled inoculation nodules. In this outbreak it appeared to be in the form of contagion. As this disease is communicable to cattle, pigs, horses, sheep and man I ordered the milk boiled before using it.

EQUINIA MALLEUS (GLANDERS).

The majority of cases were isolated. In one instance an undertaker took his team and put it in a farmer's barn, with an old gray horse, several miles from home. The gray horse had been owned by this farmer for about a year. During that time he loaned or hired it to his neighbors to work with their horses. None of these animals showed any symptoms of disease. About two weeks after the undertaker's horses had been stabled with this gray horse, one was noticed to have a nasal discharge. After using the ordinary remedies without the desired results a veterinarian was called. Not having had glanders in his vicinity, and not knowing that this horse had been exposed, he treated it for distemper. A few days later his attention was called to some ulcers on the inside of the hind leg. This aroused his suspicion and upon a careful examination he pronounced it glanders and so reported. As soon as the veterinarian was satisfied the horse was suffering from glanders, he immediately isolated the sick from the well. To do this he had to put the remaining three horses in a barn with some others.

I applied the mallein test to the three exposed horses, also the two others that were in the barn. The three exposed ones gave a typical reaction, were condemned and post-mortem confirmed the diagnosis. After the necessary measures were taken to prevent further spread of the disease I immediately ascertained the whereabouts of the gray horse. I found him upon a farm about twenty miles from the home of the undertaker. Upon making inquiry I was informed by the owner that while this horse at times had a little discharge from his nostril, he had worked with the various neighbors' horses for over a year and no such a thing as symptoms of glanders had been seen. Not only this, but he had been tied under the store and church sheds without any apparent spread of the disease. I made an examination of this horse and found some cicatrices upon the Schneiderian membrane. I informed the owner that the symptoms were very suspicious and I would have to make a mallein

test. This was done, and the animal gave a typical reaction and was condemned, appraised and killed. The post mortem confirmed the diagnosis. I made inquiries of the neighbors relative to any other cases and they stated that they knew of this horse working with various horses, but never knew of any suspicious cases in any of the horses with which it had worked.

I called upon the health officer, a doctor, who stated about the same as above. He also stated that he had used this same gray horse with his own horses during his spring's work, and that lately he noticed a discharge from the nostrils of one. I made an examination and found both of his horses suffering from glanders and they were immediately killed. The hotel proprietor informed me that about two years ago this man's son purchased this horse as having glanders. This old gray horse had been owned for several years by different persons in the adjoining towns, yet no infection had been noticed until this year, when five horses contracted the disease. One died, the other four were killed upon the mallein test and the post-mortem confirmed the diagnosis. Glanders is essentially an equine disease and affects donkeys, mules and jennets as well as horses. It can be transmitted from the horse to many other animals, including man, either by direct or indirect infection. The following animals are susceptible according to the order in which they are named: Field mice and guinea pigs, cat tribes (including lion and tiger), dogs, goats, rabbits and sheep. Pigs and pigeons are scarcely at all susceptible. Cattle seem to be immune, and in several instances glandered horses have been put into cattle sheds and never has there been a well authenticated case of glanders in a bovine recorded. House mice, white mice, rats, domestic fowls and linnets are also immune.

Pathogenesis.

Glanders can be transmitted directly or indirectly through different medias, such as harness, clothing, pails, stables, water-

ing troughs, currycombs, brushes, feed, stablemen, neck-yoke, etc.

The discharge from the nostril and ulcers on the skin (button farcy) are highly contagious. The bacilli has been found in the various organs of the body, also the blood, but it does not occur unless it is generalized glanders. The respiratory organs are most frequently, in nine-tenths of all cases, the gate of entrance for the virus. (Friedberger and Frohner.) The bacilli is probably inhaled and lodges upon the mucous membrane. It is claimed that the reason for believing that an attack of catarrh, distemper, etc., predisposes an animal to glanders is on account of the inflammatory condition of the mucous membrane and makes it more favorable to enter the system and develop. Experiments to transmit glanders by direct inhalation of the respired air of glandered horses have been negative. It is claimed by some authorities that the bacilli of glanders can penetrate the uninjured mucous membrane.

The bacilli of glanders may enter through the skin, when the glands of the skin become infected. It used to be called "farcy," but as we understand the pathology and bacteriology of the disease there is no difference between glanders and farcy. The same germ will produce either or both named diseases.

Very rarely does glanders penetrate the body through the digestive canal. Viborg, Gerlach, Liantard, Cudsae, Malet and others have made such experiments, but in the majority of cases the results were negative.

Some cases are reported of transmission through coition. Whether the infection took place through the genital mucous membrane, or whether it occurred through inspiration it cannot always be decided.

Glanders may be either acute or chronic. In the acute form the animal usually dies in a short time. There is a rise of temperature, nasal discharge, ulcer upon septum nasi. In the chronic cases the animal may live for months or years. The animal is usually unthrifty, slight discharge from one nostril, rarely both (bilateral). The amount of discharge varies and

may cease entirely. The glands (submaxillary) on the inner side about midway of the lower jaw are hard and appear fixed to the bone. The nasal discharge may change its color and be streaked with blood. Ulcers are seldom found on the Schneiderian (nasal) mucous membrane, yet quite frequently cicatrices of old ulcers are found.

The predisposition of man to glanders is not very great, yet there are several well authenticated cases recorded.

Several veterinarians have been inoculated, and only a few years ago a man upon Long Island, who posed as a veterinarian dentist, contracted glanders and died from the result of it.

When the symptoms are not well defined mallein is used to aid diagnosis. In an outbreak where there is one or more well defined cases all horses that have been exposed for a few months succeeding the outbreak are submitted to the mallein test.

Mallein is a preparation made from the bacilli of glanders (*bacillus malleus*) and was first manufactured by Kalning and Hellmann, 1891. It is analogous to Koch's tuberculin. The temperature of the animals that are to be tested are taken prior to injection of the mallein (initial temperature). Two cubic-centimeters of mallein, as prepared by the New York State Veterinary College, is used for the average horse. Eight to 10 hours after the injection the temperature is taken every two hours for 12 consecutive hours thereafter; if there has been no rise of temperature the animal may be considered free from disease. If there has been an elevation of temperature 2.5 degrees above the initial temperature, and there is a large, hot, hard and painful swelling at the seat of inoculation, with constitutional disturbance, manifested by depression of spirits, debility, loss of appetite, blowing and muscular stiffness, especially of the fore extremity on the side of inoculation, the animal should be condemned. In case the temperature rises and remains elevated we should continue taking temperatures for at least 24 hours after injection, and in the event that it is still far from normal the animal should be quarantined as suspicious and re-tested not earlier than one month.

Respecting the swelling at the seat of inoculation, Mr. Fadyean says as follows:

“In interpreting the local reaction to mallein attention must be paid to two points, viz.: the extent of the swelling and the period at which it reaches its maximum size. The rule that regards the first of these is that in the non-glandered horse the swelling that forms at the seat of infection is seldom or never more than three inches in diameter, while in a glandered horse it is seldom or never less than five inches in diameter, and not rarely it is nearly twice that. The rule regarding the second point is that in a non-glandered horse the local swelling attains its maximum size during the first fourteen or sixteen hours after the injection and then readily declines, so that it has nearly or altogether disappeared by the twenty-fourth hour. In a horse suffering from glanders the tumor continues to increase in size to about the thirtieth hour after inoculation; it persists for two or three days, then gradually recedes, and does not finally disappear until the fifth or sixth day.”

Mallein is very useful as a diagnostic agent; while it is not an infallible test, yet it has given very satisfactory results to the Department. A number of its charged failures are probably due to some misunderstanding in the use of it.

The following shows the form of temperature record for mallein tests used by me:

RECORD OF TEMPERATURES BEFORE AND AFTER INJECTING MALLEIN.

Name and address of person making the test, *Wm. Henry Kelly, 233 Western avenue. Name and address of owner, W. D. Moody, Sodus.*

NAME OF ANIMAL.	Age, years.	Sex.	Weight.	Color.	Temperature before Nov. 13, 9 p. m.	MALLEIN INJECTED Nov. 13.		TEMPERATURE AFTER INJECTING MALLEIN.												NOV. 15.	
						Hour.	Amount.	NOVEMBER 14.												8 A. M.	10 A. M.
								8 A. M.	9 A. M.	10 A. M.	11 A. M.	12 M.	2 P. M.	4 P. M.	5 P. M.	6 P. M.	8 P. M.	10 P. M.	12 M.		

Roan*
Colt†

* Small or no swelling. † Large swelling.

NAME OF ANIMAL.	Age, years.	Sex.	Weight.	Color.	Temperature be- fore December 10, 1901, 6 p. m.	MALLEIN INJECTED DE- CEMBER 10, 1901.		TEMPERATURE AFTER INJECTING MALLEIN, DECEMBER 11.						Extent of local swelling.	
						Hour.	Amount.	6 A. M.	8 A. M.	10 A. M.	12 M.	2 P. M.	4 P. M.		
Colt.	4	F	1100	Bay ..	100	6 p. m.			103.4	103.6	103.4	102.4	102	101.8	About 6" About 5"
Roan	10	M	1200	Roan..	100.2	6 p. m.			102.6	102.4	102.4	102.4	102.4	101.6	

Colt
Roan

* Second test.

DIRECTIONS FOR USING MALLEIN.—Take the temperatures, if convenient, four times at intervals of two hours preceding the administration of the mallein. Inject the mallein by means of a hypodermic syringe into the loose subcutaneous tissue on the middle of the side of the neck beneath the mane; or in any other convenient place. The syringe should be carefully disinfected before using and the needle after injecting each animal. For the former a 5% solution of carbolic acid may be used and for the latter it is sufficient to dip the needle, without removing it from the syringe, into liquid carbolic acid. The dose of mallein is 2 cc. for the ordinary horse. For lighter or heavier animals the dose may be made proportionate. Six to eight hours after the injection the temperature should be taken and again every hour, or at the longest every two hours, thereafter for twelve hours. If the animal is glandered there should be a gradual rise of temperature beginning from the sixth to the tenth hour or later after injection. The high temperature continues for a variable number of hours and then it gradually subsides. Also a painful swelling at the seat of the inoculation. Care should be taken that the animals are kept during the test without material change of food, watered regularly and kept free from draughts in a temperature near that to which they have been accustomed. Mares not glanderous but within a few weeks of parturition may show an elevation of temperature following mallein injection. If a mare comes in heat during the test the temperature is likely to rise and she must not be condemned.

NEW YORK STATE DEPARTMENT OF AGRICULTURE, ALBANY, N. Y.

ANTHRAX.

During the summer we have had a number of outbreaks of this disease. In the vicinity of Rome, Oneida and Higginsville a large number of farmers lost many cattle and horses.

Upon one farm a little boy contracted "malignant pustule" from milking a diseased cow. When the Department's attention was first called to investigate it was difficult to diagnose the cases by post-mortem.

Dr. V. A. Moore, bacteriologist of the New York State Veterinary College, was called to assist. After the diagnosis was made we immediately used the modified form of Toussaint's method, which had been used by the Department on previous occasions with apparently good results. Some of the animals so treated died. We then used the vaccine manufactured by one of our manufacturing chemists. Some animals died after this was used. This seemed to hold the disease in check, or those that were afterwards affected appeared to have it in a mild form.

One old lady upon whose farm some 20 milch cows and a horse had died, stated that she thought both treatments (Toussaint and vaccine) were of some benefit. On account of the extent of this outbreak as well as the one that occurred in Sullivan county, it seems proper that a history of modes of contagion of the disease might be beneficial. For the history, I think that which is published in Friedberger and Frohner's pathology is very complete.

"Anthrax is perhaps the oldest known disease of animals. It appears to be alluded to in the second book of Moses, ix, 10, as the sixth plague of Egypt. In the third book of Moses stress is laid on the possibility of transmitting the disease by clothes to man. The epidemic which was described by Homer in the first book of the 'Iliad,' and which ravaged among men, mules and dogs, seems to have been anthrax.

"Ovid has given in the ninth book of his 'Metamorphoses' a tolerably exact description of an outbreak of anthrax. Plu-

tarch reports that Rome was visited about 740 B. C. with a severe epizootic of anthrax. Dionysius of Halicarnassus (488 B. C.) and Livy (425 B. C.) relate examples of epizootics in which the disease attacked at first cattle on pasture, then those in sheds, sacrificial animals, priests, herdsmen, country people and finally the entire population. In Lucretius (428 B. C.) we find for the first time the name of 'ignis sacer' applied to anthrax and in Columella the name of pustula. Virgil described an infectious ovine disease which was transmitted to man in consequence of wearing the hides or wool of stricken animals and which produced deep postules on the skin. Pliny mentions a disease of boils in the province of Narbonne in Gaul at the time of the migration of nations. The Arab physicians described anthrax as 'Persian fire.' Mezeray (966 A. D.) was the first to use the name 'Ignis St. Antonii.' Johannes Wierus describes in the second half of the sixteenth century several epizootics in Italy (1552, 1598 and 1599) during which periods the Senate in Venice forbade the sale of beef on pain of death. Athanasius Kirchner described in 1617 a bovine disease which infected mankind so that 60,000 people died of it. Anthrax of the tongue spread to an extraordinary extent during 1662 in the neighborhood of Lyons and throughout France during 1710 and 1731. Ramazzini states that anthrax of the throat raged in 1690 in Padua among oxen and pigs. Anthrax appeared during 1712 in Germany (at first in the neighborhood of Augsburg) and in Hungary during 1726, in Poland, Silesia and Saxony; during 1731 and 1757, in France as gloss anthrax, or carbuncle of the tongue; among almost all the domestic animals, horses, donkeys, cattle, sheep, pigs, deer, dogs, fowl, fish and men.

" In 1755 and 1761 it appeared in Franconia; in 1758 and 1759 in Finland and Russia; in 1774 in Guadeloupe (West Indies). Chabert demonstrated in 1780 that the different kinds of anthrax were really one and the same disease. He classified and named them in a manner which has been followed up to this day. Kausch published in 1805 a good description of anthrax but denied its contagiousness. Since then we may mention in

particular the invasions of anthrax in the years 1807, 1810, 1819 and 1827, from which time a gradual decrease in the disease has taken place. Delafond and Gerlach (1845) investigated ovine anthrax in a very careful manner. Although the contagiousness of the disease was not recognized by Delafond it was experimentally proved by Gerlach. Heusinger published in 1850 a comprehensive treatise on anthrax, especially from an historical and geographical point of view. He regarded anthrax as a malaria neurosa.

“The knowledge of anthrax was greatly advanced during the fifties of this century. In 1855 Pollender, of Wipperfurth, published the discovery which he had made as early as 1849—that an innumerable number of extremely fine rods existed in the blood of anthrax-stricken cattle. These rods were independently observed in 1850 by Davaine (Paris); and in 1857 by Brauell (Dorpat). Brauell found the rods in the blood during life and used them as a diagnostic and prognostic factor, but he denied that they represented the virus of anthrax. It was only in 1863 that Davaine declared that they were the cause of anthrax and were bacteria, against which theory Bouley, Sanson and other authorities at once protested. Cohn was the first to call these rods bacilli, and to suspect the existence of permanent spores. To R. Koch is due the credit of having demonstrated the development of these permanent spores from the rods and the transformation of the spores to bacilli. He also made pure cultivations of the bacilli and clearly explained the biology of the bacillus anthracis. Protective inoculation against anthrax, which was introduced by Toussaint and was widely advanced by Pasteur and others, is also of great scientific and practical interest.”

Anthrax very seldom pass direct from one animal to another. The bacilli might adhere to any part of the body, especially the tail, flank and hind legs or any part where it comes in contact with the secretion or excretion. The disease can be conveyed through such bearers as pails, people, water and insects. When the infection occurs in the intestines through the food or water

it is called intestinal anthrax, fodder anthrax, spontaneous anthrax, internal anthrax, "anthrax without location," anthrax fever, etc.

This is one reason why all animals that die of anthrax should be burned or buried in quicklime away from a water source. If it is not done the earth worms bring the spores to the surface, thereby contaminating any grass, hay, potatoes, carrots, turnips, or any substance that might grow. If any of these vegetables should be fed in a raw state, as they usually are, the animals will probably contract the disease. When they are buried near a running stream the spores are liable to be carried for several miles, and in the event of the stream overflowing flat land, it spreads the contagion over a large area. Very frequently streams into which tanneries and wool-washing establishments drain the water is contaminated and cattle die annually along its course. Very frequently men become affected in handling wool from animals that have died of anthrax; in these cases it is known as "wool sorter's disease." Tanners become affected in tanning hides of infected animals. In these cases you have malignant pustules. The spores may enter through an abrasion, the mucous membrane or the various openings. Bollinger and Zeilinger succeeded in producing anthrax in rabbits by inoculating them with the blood of flies which had been caught on an anthrax cadaver. Anthrax affects most all warm-blooded animals, but more frequently cattle. Their susceptibility is according to the order in which they are named, viz.: Cattle, sheep, goats, horses, fallow deer, red deer, camels, guinea-pigs and mice. Cats, tame rabbits, horses and wild rabbits come next. Dogs, pigs and foxes are very slightly susceptible. Rats if kept as a carnivora do not contract the disease, but if the diet is changed to a herbivora they readily contract the disease. Birds, with the exception of ducks, fowls and pigeons, are immune.

It is claimed by some authors that anthrax is never found only where there is a swamp. In the cases which have been investigated by the Department very seldom was there a swamp in the pasture.

Bacteriology.

Anthrax is an infective disease that is transmitted by bacteria known as the "bacillus anthracis." This bacillus may be easily taken for the one producing putrefaction. For description and modes of detecting this bacilli I would respectfully refer you to the illustrated article written by Prof. V. A. Moore and published in your report of 1898, page 549.

Respectfully submitted,

WILLIAM H. KELLY,

Veterinarian.

FINANCIAL REPORT

OF THE

New York State Fair, and the County, Town and
Other Agricultural Societies in the State
of New York, for the Year 1901.

NEW YORK STATE FAIR.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$852 77
From gate receipts and grand stands. \$18,394 00	
From advertisements and catalogues. 332 84	
From rent of privileges..... 4,340 50	
From sale of hay and straw..... 1,182 31	
From exhibitors tickets 946 00	
From sale of old material, \$225.85; miscellaneous, \$49.55; total.....	275 40
From entries for races (horse).....	13,025 00
From Empire State stake, \$520; sus- pensions, \$711.50; total	1,231 50
From entries in horse department— stalls, pens and coop rent.....	3,676 90
From bonds issued, notes given or any other obligation	25,000 00
From State	125,000 00
Receipts for 1900.....	193,404 45
Total receipts	\$194,257 22

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$11,000 00
For advertising, printing, etc.....	10,399 08
For permanent improvements	74,469 52
For moving Pan-American fixtures, \$600; freight and express, \$426.26; livery, 94.50; miscellaneous items, \$1,281.43; total	2,402 19
For labor and expenses of all depart- ments	14,867 00
For material and supplies, \$2,753.30; insurance, \$1,542.06; dues, \$100; total	4,395 36

For old accounts New York State Agricultural Society, \$923.92; extras to superintendents of year 1900, \$433.96; total.....	\$1,357 88
For expenses of commission and offi- cers, \$3,104.62; postage, telegraph and telephone, \$646.45; total.....	3,751 07
For rent, \$225; catering, \$700; water tax, \$854.76; decorations, \$225; music, \$440; discounts, \$720.16; total	3,164 92
For salaries: Secretary, \$1,500; trea- surer, \$791.65; office assistants, \$694.91; police, \$1,558.25; total.....	4,544 81
For judges, \$1,115.02;; salaries other than secretary and treasurer, \$5,- 530.55; bugler, \$100; total.....	6,745 57
For race purses (horses) and amateur events	16,230 00
For general repairs, \$4,074.72; hay, straw and feed, \$1,426.45; entry fees returned, \$520; total.....	6,021 17
For premiums on horses...	\$7,279 00
For premiums on cattle...	6,326 50
For premiums on sheep....	3,367 00
For premiums on swine...	1,882 00
For premiums on poultry..	1,694 50
For premiums on farm pro- duce	880 25
For premiums on dairy products	1,386 50
For premiums on domes- tic	517 95
For premiums on flowers...	1,631 50
For premiums on fruits...	2,129 70

For premiums on miscel-

laneous \$450 00

Total \$27,544 00

Total disbursements \$186,893 47

Balance (credit) \$7,363 75

*HORNELLSVILLE FARMERS' CLUB.

RECEIPTS.

Balance on hand at close of fiscal year 1900..... \$235 06

DISBURSEMENTS.

Paid office, storage and old department..... 197 80

Balance (credit)..... \$37 26

CAMBRIDGE VALLEY AGRICULTURAL SOCIETY AND
STOCK BREEDERS' ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900..... \$26 06

From gate receipts..... \$4,721 35

From rent of privileges..... 2,546 04

From entries for premiums 1,371 65

From grand stand 2,338 60

From hay, grain, fines, etc..... 470 26

From entries for races (horse)..... 607 50

From entries for races(bicycle or other) 25 00

From bonds issued, notes given or any
other obligation 1,737 00

From State..... 2,000 00

Receipts for 1900 15,817 40

Total receipts \$15,843 46

* No fair held.

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$2,263 06	
For printing and advertising.....	2,021 40	
For attractions.....	1,275 70	
For hay, straw and grain	209 41	
For miscellaneous.....	1,199 74	
For salaries: Secretary, \$320; treasurer, \$125; office assistants, \$154.50; police, \$148.75; judges, \$220.51; superintendent, \$131.25; helpers, etc., \$721.76; total.....	1,821 77	
For race purses (horses).....	2,102 50	
For race purses (bicycle or other) including cost of prizes.....	164 50	
For premiums on horses....	\$329 00	
For premiums on cattle....	801 00	
For premiums on sheep....	384 50	
For premiums on swine....	324 00	
For premiums on poultry..	1,999 50	
For premiums on farm produce	234 25	
For premiums on dairy products	28 00	
For premiums on domestic.	537 06	
For premiums on flowers...	35 70	
For premiums on fruits....	52 43	
For premiums on miscellaneous	55 50	
Total	4,780 94	
Total disbursements	\$15,839 02	
Balance (credit).....	\$4 44	

ALBANY COUNTY AGRICULTURAL SOCIETY AND
EXPOSITION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$185 67
From gate receipts.....	\$2,806 75
From rent of grounds.....	20 00
From rent of privileges.....	741 50
From entries for premiums.....	187 00
From sale of produce.....	7 52
From grand stand.....	314 75
From entries for races (horse).....	820 00
From State Fair premiums.....	100 00
From donations.....	5 00
From notes given.....	13,692 50
From State.....	2,087 35
From forage.....	73 78
<hr/>	
Receipts for 1900.....	20,856 15
<hr/>	
Total receipts	\$21,041 82

DISBURSEMENTS.

For payment of notes and interest....	\$9,706 33
For purchase of land.....	251 00
For permanent improvements.....	2,213 30
For privileges, \$11; water, \$15.25; total	26 25
For fair labor and expenses.....	289 18
For temporary improvements.....	204 43
For insurance, \$77.80; attractions, \$628.65; total.....	706 45
For postage, \$78.82; miscellaneous ex- penses, \$414.23; total.....	493 05
For advertising, \$386.01; forage, \$311.29; total.....	697 30
For salaries: Secretary, \$150; treas- urer, \$75; judges, \$88.50; total.....	313 50

For race purses (horses).....	\$1,979 98
For races other than purses.....	204 37
For premiums on horses....	\$588 00
For premiums on cattle....	975 75
For premiums on sheep....	466 00
For premiums on swine....	233 50
For premiums on poultry..	356 50
For premiums on farm pro- duce	37 70
For premiums on dairy products	59 00
For premiums on domestic.	360 25
For premiums on imple- ments and machines.....	228 00
For premiums on flowers..	76 50
For premiums on fruits....	225 25
For premiums on miscel- laneous	285 50
Total	3,891 95
Total disbursements	\$20,977 09
Balance (credit)	\$64 73

ALLEGANY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$492 16
From gate receipts and grand stand..	\$506 27
From rent of privileges.....	135 50
From entries for premiums, class 12..	33 00
From annual members.....	78 00
From entries for races (horse).....	187 00
From hay and shingles sold.....	42 35
From State	1,369 26
Receipts for 1900.....	2,351 38
Total receipts	\$2,843 54

DISBURSEMENTS.

For permanent improvements, including road machine.....	\$492 64	
For printing and advertising.....	128 29	
For labor	85 00	
For material	94 51	
For music, \$50; attractions, \$110.....	160 00	
For State Association, \$10; water rent, \$10; revenue tax, \$8.34; expense, postage, entry books, etc., \$22.22	50 56	
For salaries: Secretary, \$75; treasurer, \$25; office assistants, \$6; police, \$19.50; judges, \$39; superintendent, \$8; helpers, etc., \$9; total.....	181 50	
For race purses (horses).....	431 00	
For premiums on horses... \$228 00		
For premiums on cattle... 291 50		
For premiums on sheep... 90 00		
For premiums on swine... 109 00		
For premiums on poultry.. 67 50		
For premiums on farm produce	33 65	
For premiums on dairy products	1 00	
For premiums on domestic. 89 25		
For premiums on flowers.. 23 65		
For premiums on fruits.... 2 50		
For premiums on miscellaneous	11 25	
Total	947 30	
Total disbursements		\$2,570 80
Balance (credit)		\$272 74

BROOME.

RECEIPTS.

From gate receipts	\$1,912 37
From rent of privileges	437 00
From entries for premiums.....	111 25
From stock sold during year.....	105 63
From entries for races (horse).....	370 00
From hay, straw and feed.....	61 27
From donations	10 00
From State	1,824 05

Total receipts	\$4,831 57
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DISBURSEMENTS.

Balance due at close of fiscal year 1901.	\$15 81
For payment of notes or other obligations	186 00
For hay, straw and feed.....	201 55
For permanent improvements.....	51 40
For dues to State and National Trotting Association and licenses	28 33
For labor	190 14
For material	101 99
For rent of grounds	200 00
For attractions	219 50
For printing and advertising.....	202 36
For insurance	30 00
For salaries: Secretary, \$150; treasurer, \$100; police, \$45.50; judges, \$68.50; superintendent, \$106.37; helpers, etc., \$55.50; total.....	525 87
For race purses (horses).....	1,000 00
For premiums on horses... \$268 00	
For premiums on cattle... 495 00	
For premiums on sheep.... 75 25	
For premiums on swine.... 56 50	

For premiums on poultry..	\$404 00	
For premiums on farm pro- duce	50 40	
For premiums on dairy products	10 00	
For premiums on domes- tic	191 25	
For premiums on imple- ments and machines.....	135 00	
For premiums on flowers..	17 75	
For premiums on fruits....	47 45	
For premiums on miscel- laneous	323 40	
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Total	\$2,074 00	
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Total disbursements		\$5,026 95
		<hr/>
Balance (debit)		\$195 38
		<hr/> <hr/>

CATTARAUGUS.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$255 13
From gate receipts	\$1,813 14	
From rent of grounds	63 50	
From rent of privileges.....	571 50	
From entries for premiums.....	794 00	
From annual members	10 00	
From lumber and hay sold.....	48 43	
From entries for races (horse).....	298 00	
From bonds issued, notes given or any other obligation	344 30	
From State	1,487 42	
	<hr/>	
Receipts for 1900.....		5,430 55
		<hr/>
Total receipts		\$5,685 68

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$609 61	
For permanent improvements	244 52	
For labor	497 22	
For material	177 52	
For printing and advertising.....	313 17	
For special attractions, band and ball game	576 50	
For taxes, \$22.05; dues, \$32.25; insurance, \$58.95; total.....	113 25	
For salaries: Secretary, \$50; treasurer, \$30; office assistants, \$44; police, \$98.90; judges, \$2; superintendent, \$106.32; total.....	331 22	
For race purses (horses).....	1,465 75	
For premiums on horses..	\$108 50	
For premiums on cattle...	352 50	
For premiums on sheep..	95 00	
For premiums on swine....	37 00	
For premiums on poultry..	178 95	
For premiums on farm produce	39 75	
For premiums on dairy products	15 95	
For premiums on domestic.	293 60	
For premiums on implements and machines....	3 75	
For premiums on flowers..	3 75	
For premiums on fruits...	5 95	
For premiums on miscellaneous	20 75	
Total	1,155 45	
Total disbursements		\$5,484 21
Balance (credit)		\$201 47

CAYUGA COUNTY AGRICULTURAL CORPORATION.

RECEIPTS.

From gate receipts.....	\$1,958 00	
From rent of privileges.....	250 00	
From entries for premiums.....	86 50	
From entries for races (horse).....	177 00	
From bonds issued, notes given or any other obligation	3,000 00	
Total receipts		\$5,471 50

DISBURSEMENTS.

For rent	\$175 00	
For permanent improvements.....	1,798 07	
For labor	285 48	
For material	266 50	
For interest on note	23 92	
For entertainments	326 50	
For advertising	410 25	
For salaries: Secretary, \$50; office assistants, \$60; police, \$49.63; judges, \$15; superintendents, \$17.50; helpers, etc., \$50.50; total.....	242 63	
For race purses (horses)	878 50	
For premiums on horses... \$100 50		
For premiums on cattle... 188 00		
For premiums on sheep... 51 50		
For premiums on swine... 28 00		
For premiums on poultry.. 269 25		
For premiums on farm pro- duce	36 15	
For premiums on dairy products	9 85	
For premiums on domestic. 277 50		
For premiums on imple- ments and machines.... 10 00		
For premiums on flowers.. 13 15		

For premiums on fruits...	\$29 20	
For premiums on miscel- laneous	6 55	
Total	<u>\$1,019 65</u>	
Total disbursements		\$5,426 50
Balance (credit)		<u>\$45 00</u>

CHAUTAUQUA.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$34 02
From gate receipts, \$1,795.35; grand stand, \$61.25.....	\$1,856 60	
From rent of privileges.....	433 94	
From entries for premiums.....	221 72	
From entries for races (horse).....	183 50	
From entries for races (bicycle or other).....	8 25	
From bonds issued, notes given or any other obligation	4,900 00	
From State	<u>1,339 69</u>	
Receipts for 1900.....		8,943 70
Total receipts		<u>\$8,977 72</u>

DISBURSEMENTS.

For payment of bonds, notes or other obligations.	\$1,318 21
For permanent improvements.....	3,000 00
For repairs	317 91
For forage	181 39
For labor	154 15
For material	97 85
For general expenses.....	186 71

For advertising	\$373 40	
For insurance	133 14	
For salaries: Secretary, \$100; office entry clerk assistants, \$25; police, \$150.92; superintendent, \$75; total..	350 92	
For race purses (horses).....	840 00	
For race purses (bicycle or other) in- cluding cost of prizes.....	42 75	
For amusements, band, etc.....	944 50	
For premiums on horses... 111 50		
For premiums on cattle... 451 50		
For premiums on sheep... 39 00		
For premiums on swine... 57 50		
For premiums on poultry.. 185 00		
For premiums on farm pro- duce.....	23 20	
For premiums on dairy products.....	6 00	
For premiums on domestic. 154 25		
For premiums on flowers.. 4 75		
For premiums on fruits.... 42 65		
For premiums on miscella- neous.....	60 50	
Total.....	1,135 85	
Total disbursements		\$9,076 78
Balance (debit).....		\$99 06

*CHEMUNG.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$162 64
From State	1,647 63
Total receipts	\$1,810 27

*No fair in 1901.

DISBURSEMENTS.

Balance due at close of fiscal year		
1901.....	\$71 53	
For payment of bonds, notes or other obligations.....	1,248 00	
For permanent improvements.....	66 43	
For labor	58 00	
Dues to State Association Agricultural Societies.....	10 00	
	<hr/>	
Total disbursements		\$1,453 96
		<hr/>
Balance (credit).....		\$356 31
		<hr/> <hr/>

CHEXANGO.**RECEIPTS.**

Balance on hand at close of fiscal year 1900.....		\$21 50
From gate receipts.....	\$1,714 07	
From rent of grounds.....	219 10	
From rent of privileges.....	347 75	
From entries for premiums.....	217 50	
From annual members.....	503 00	
From entries for races (horse).....	547 50	
From entries for races (bicycle or other)	14 00	
From advertisements in premium list.	231 57	
From bonds issued, notes given or any other obligation	160 00	
From State	1,368 21	
	<hr/>	
Receipts for 1900.....		5,322 70
		<hr/>
Total receipts		\$5,344 20

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$587 97
For permanent improvements.....	501 58
For special attractions.....	500 00

For labor	\$677 82	
For material	348 29	
For office assistants, \$72; judges, \$15; helpers, etc., \$84; total.....	171 00	
For race purses (horses).....	1,250 00	
For race purses (bicycle or other) in- cluding cost of prizes.....	35 00	
For premiums on horses... \$123 00		
For premiums on cattle... 414 75		
For premiums on sheep... 47 00		
For premiums on swine... 24 00		
For premiums on poultry.. 316 70		
For premiums on farm pro- duce	62 00	
For premiums on dairy products	21 55	
For premiums on domestic 204 35		
For premiums on imple- ments and machines.....	24 25	
For premiums on flowers.. 12 15		
For premiums on fruits... 14 95		
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Total	\$1,264 70	
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Total disbursements	\$5,336 36	
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Balance (credit)	\$7 84	
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CLINTON.

Balance on hand at close of fiscal year 1900.....	\$3,579 46	
From gate receipts.....	\$3,682 05	
From rent of privileges.....	1,018 85	
From entries for premiums.....	752 16	
From interest on deposits.....	78 41	
From State	2,058 17	
<hr/>		
Receipts for 1900.....	7,589 64	
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Total receipts	\$11,169 10	

DISBURSEMENTS.

For dividends	\$1,200 00	
For labor	342 00	
For material	509 12	
For special attractions.....	1,030 00	
For sundry expenses, advertising, in- surance, etc	1,965 57	
For premiums paid—no vouchers....	4 00	
For salaries: Secretary, \$300; treas- urer, \$150; office assistants, \$73; judges and superintendent, \$181.96; helpers, etc., \$42; total.....	746 96	
For race purses (horses).....	1,410 30	
For premiums on horses... \$346 50		
For premiums on cattle... 685 00		
For premiums on sheep... 369 00		
For premiums on swine... 123 75		
For premiums on poultry.. 43 75		
For premiums on farm pro- duce	62 00	
For premiums on dairy products	23 50	
For premiums on domestic. 195 00		
For premiums on imple- ments and machines.... 66 25		
For premiums on flowers.. 87 00		
For premiums on fruit.... 29 00		
For premiums on miscel- laneous	411 25	
Total	\$2,442 25	
Total disbursements		\$9,650 20
Balance (credit)		\$1,518 90

COLUMBIA.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$616 73
From gate receipts.....	\$4,540 50	
From rent of grounds	20 00	
From rent of privileges.....	1,142 90	
From entries for premiums.....	516 65	
From annual members.....	180 00	
From guarantee, Railroad and Kennel Club.	125 00	
From entries for races (horse)	1,076 25	
From insurance	156 00	
From dog show.....	793 65	
From bonds issued, notes given or any other obligation	1,966 82	
From State	3,083 82	
From discounts on premiums and do- nations.....	6 50	
Receipts for 1900.....		13,608 09
Total receipts		\$14,224 82

DISBURSEMENTS.

Back premiums	\$3 75
Dues, State and National Associations	45 00
Expense and committees.....	196 66
For payment of bonds, notes or other obligations, interest	335 00
For printing and advertising.....	1,060 26
For permanent improvements.....	2,348 58
For dog show.....	758 00
For labor	488 89
For material	289 67
For care of stock and water rent....	336 27
For board and meals.....	269 20
For attractions	458 00

For salaries: Secretary, \$100; treasurer, \$50; office assistants, \$179; police, \$90; judges, \$238.87; superintendent, \$44; helpers, etc., \$190.06; total	\$891 93	
For race purses (horses).....	2,375 00	
For insurance	42 11	
From guarantee, Railroad and Kennel Club.	125 00	
For premiums on horses... \$307 00		
For premiums on cattle.... 1,026 00		
For premiums on sheep.... 430 50		
For premiums on swine.... 220 50		
For premiums on poultry.. 653 75		
For premiums on farm produce..... 56 75		
For premiums on dairy products..... 17 00		
For premiums on domestic. 225 50		
For premiums on implements and machines.... 25 00		
For premiums on flowers.. 178 50		
For premiums on fruits.... 78 50		
For premiums on miscellaneous..... 982 50		
Total.....	4,201 50	
Total disbursements		\$14,224 82

CORTLAND.

RECEIPTS.

From gate receipts, \$4,174.41; grand stand, \$792.48; total.....	\$4,966 89
From rent of grounds.....	138 50
From rent of privileges.....	895 95

From advertising in premium list....	\$173 00
From assessment on stock.....	25 00
From entries for races (horse).....	280 00
From miscellaneous.....	55 55
From State	2,548 07

Total receipts	\$9,082 96
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DISBURSEMENTS.

Balance due at close of fiscal year 1901	\$332 30
For payment of bonds, notes or other obligations.	1,508 05
For printing and advertising.....	823 30
For permanent improvements and repairs.....	266 39
For special attractions.....	666 09
For labor	192 30
For material, supplies and general expenses.....	659 57
For internal revenue tax.....	9 17
For National Trotting Association...	35 00
For insurance	50 00
For salaries: Secretary, \$100; office assistants, \$71.75; police, \$86.50; judges, \$118.34; superintendent, \$12; helpers, etc., \$148.50; total.....	537 09
For race purses (horses).....	805 00
For premiums on horses... \$370 50	
For premiums on cattle... 789 50	
For premiums on sheep.... 274 00	
For premiums on swine.... 226 00	
For premiums on poultry.. 360 49	
For premiums on farm produce.....	230 00
For premiums on dairy products.....	52 50
For premiums on domestic. 522 75	

For premiums on flowers..	\$56 60	
For premiums on fruits....	62 00	
For premiums on miscella- neous.	157 00	
Total	\$3,101 34	
Total disbursements		\$8,985 60
Balance (credit)		\$97 36

DELAWARE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$292 86
From gate receipts.....	\$1,153 93	
From rent of grounds.....	68 86	
From rent of privileges.....	157 50	
From entries for premiums.....	141 00	
From notes given.....	1,844 75	
From State.....	1,749 09	
Receipts for 1900.....		5,115 13
Total receipts.....		\$5,407 99

DISBURSEMENTS.

For payment of notes, \$1,025.51; inter- est, \$153.22; total.....	\$1,178 73
For labor.....	362 61
For material.....	318 06
For attractions, baseball and band...	265 00
For State Association.....	10 00
For printing and advertising.....	297 21
For salaries: Secretary, \$60; treasurer, \$20; office assistants, \$30.50; police, \$80; judges, \$99.55; president, \$50; total.....	340 05
For race purses (horses).....	166 00
For premiums on horses....	\$354 30
For premiums on cattle....	424 25

For premiums on sheep....	\$192 00	
For premiums on swine....	96 26	
For premiums on poultry..	144 08	
For premiums on farm pro- duce	112 08	
For premiums on dairy products	23 00	
For premiums on domestic.	274 17	
For premiums on imple- ments and machines.....	149 65	
For premiums on flowers..	19 09	
For premiums on fruits....	76 98	
For premiums on miscel- laneous	592 98	
Total	\$2,458 84	
Total disbursements		\$5,396 50
Balance (credit).....		\$11 49

DUTCHESS.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$62 12
From gate receipts.....	\$5,726 50	
From rent of privileges.....	493 62	
From entries for premiums	1,622 69	
From advertising	206 76	
From advertising unpaid in 1900.....	20 00	
From donations.....	540 00	
From bonds issued, notes given or any other obligation	5,500 00	
From State	4,286 35	
Receipts for 1900		18,395 92
Total receipts		\$18,458 04

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$4,512 41	
For attractions	796 00	
For advertising and printing.....	1,092 63	
For labor	664 00	
For material	1,258 13	
For rent of grounds.....	600 00	
For salaries: Secretary, \$200; treasurer, \$200; office assistants, \$285.86; police, \$326; judges, \$123.73; superintendent, \$180; helpers, etc., \$44.50; total	1,360 09	
For race purses (horses), net cost....	759 00	
For premiums on horses... \$1,715 00		
For premiums on cattle.... 1,484 00		
For premiums on sheep.... 675 00		
For premiums on swine.... 233 50		
For premiums on poultry.. 2,036 50		
For premiums on farm produce	364 50	
For premiums on dairy products	3 00	
For premiums on domestic. 26 50		
For premiums on implements and machines.....	30 00	
For premiums on flowers.. 103 50		
For premiums on fruits.... 350 50		
For premiums on miscellaneous	282 85	
Total	7,254 85	
Total disbursements		\$18,297 11
Balance (credit).....		\$160 93

ERIE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$2,330 06
From gate receipts.....	\$1,432 50
From rent of grounds.....	3 75
From rent of privileges.....	446 00
From entries for premiums.....	35 60
From annual members.....	301 00
From entries for races (horse).....	895 90
From score cards.....	18 65
From grand stand.....	131 00
From bonds issued, notes given or any other obligation	2,000 00
From State	2,325 95
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Receipts for 1900.....	7,590 35
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Total receipts	\$9,920 41

DISBURSEMENTS.

For permanent improvements.....	\$1,224 40
For labor	409 24
For material	168 25
For attractions	656 00
For feed	219 74
For insurance	168 00
For salaries: Secretary, \$125; treas- urer, \$75; office assistants, \$68; police, \$206; judges, \$89; helpers, etc., \$173.90; total.....	736 90
For race purses (horses).....	2,425 00
For advertising, expenses and sundries	812 62
For premiums on horses...	\$397 00
For premiums on cattle...	554 50
For premiums on sheep....	51 50
For premiums on swine...	122 00
For premiums on poultry..	299 25
For premiums on farm pro- duce	97 00

For premiums on dairy products	\$32 50	
For premiums on domestic.	911 00	
For premiums on imple-ments and machines....	48 00	
For premiums on flowers..	94 25	
For premiums on fruits...	78 00	
For premiums on miscel-laneous	13 75	
Total	\$2,698 75	
Total disbursements		\$9,518 90
Balance (credit)		\$401 51

ESSEX.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$77 22
From gate receipts.....	\$2,153 02	
From rent of grounds.....	365 25	
From entries for races (horse).....	195 00	
From fine	25	
From bonds issued, notes given or any other obligation	500 00	
From State	1,426 85	
Receipts for 1900.....		4,640 37
Total receipts		\$4,717 59

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$67 84
For payment of bonds, notes or other obligations	520 00
For attractions	528 08
For permanent improvements, im-proved track	335 68

For water rent, \$25; insurance, \$40...	\$65 00
For labor	133 91
For material	82 02
For band	155 00
For annual dues State Society Association and National Trotting Association	25 00
For internal revenue.....	8 34
For salaries: Secretary, \$50; treasurer, \$50; office assistants, \$36.75; police, \$90.38; judges, \$132.23; marshals, \$22.25; helpers, etc., \$85.25; total	466 86
For race purses (horses).....	995 00
For advertising	124 51
For stationery	178 40
For miscellaneous.....	115 67
For premiums on horses... \$154 80	
For premiums on cattle... 227 80	
For premiums on sheep... 155 10	
For premiums on swine... 55 80	
For premiums on poultry.. 25 45	
For premiums on farm produce	63 00
For premiums on dairy products	8 20
For premiums on domestic. 85 43	
For premiums on implements and machines.... 69 85	
For premiums on flowers.. 8 75	
For premiums on fruits... 28 60	
For premiums on miscellaneous	33 50
Total	\$916 28

Total disbursements	\$4,717 59
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FRANKLIN.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$1,199 68
From gate receipts	\$5,900 75
From rent of grounds	225 00
From rent of privileges.....	1,251 50
From grand stand	1,879 00
From annual members, premium en- tries	1,907 00
From entries for races (horse).....	3,413 74
From programme privilege.....	60 00
From State	2,024 92
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Receipts for 1900.....	16,661 91
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Total receipts	\$17,861 59

DISBURSEMENTS.

For advertising, telephone and ex- penses	\$1,180 66
For hay and straw.....	236 60
For bands	420 00
For base ball	523 74
For balloon	189 01
For labor	657 07
For material	500 00
For attractions, \$1,006; salaries for races, \$100; National Trotting As- sociation, \$20; water rent, \$100; in- surance, \$297.92; total	1,523 92
For salaries: Secretary, \$200; treas- urer, \$150; office assistants, \$86; police, \$167; judges, \$76; superin- tendent, \$50; president and ex- penses, \$100; helpers, etc., \$294.50; total	1,143 50
For race purses (horses).....	7,570 00

For protested check.....	\$35 75	
For miscellaneous	169 64	
For premiums on horses... \$300 00		
For premiums on cattle.... 323 00		
For premiums on sheep.... 133 00		
For premiums on swine.... 149 00		
For premiums on poultry.. 66 00		
For premiums on farm pro- duce	60 00	
For premiums on dairy products	47 00	
For premiums on domestic. 132 50		
For premiums on imple- ments and machines..... 146 50		
For premiums on flowers.. 55 00		
For premiums on fruits.... 58 00		
For premiums on miscel- laneous	498 50	
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Total	\$1,968 50	
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Total disbursements		\$16,118 39
		<hr/>
Balance (credit)		\$1,743 20
		<hr/> <hr/>

FULTON.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$419 25
From gate receipts	\$2,488 45
From grand stand	722 90
From rent of grounds.....	364 41
From rent of privileges.....	600 14
From entries for premiums.....	444 65
From annual members	115 00
From entries for races (horse).....	745 00

From suspensions	\$52 25	
From notes given.....	1,050 00	
From State	2,369 82	
		<hr/>
Receipts for 1900.....		\$8,952 62
		<hr/>
Total receipts		\$9,371 87

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$700 00
For interest	392 36
For permanent improvements.....	1,030 31
For insurance	271 92
For labor	351 36
For material	169 49
For attractions and music.....	479 00
For printing and advertising.....	248 02
For hay, feed and straw.....	98 97
For salaries: Secretary, \$100; treasurer, \$100; office assistants, \$21; police, \$50.75; judges, \$149.16; superintendent, \$65; helpers, etc., \$356.50; total	842 41
For race purses (horses).....	2,170 00
For miscellaneous	317 02
For premiums on horses....	\$149 00
For premiums on cattle....	459 00
For premiums on sheep....	104 00
For premiums on swine....	248 00
For premiums on poultry..	332 00
For premiums on farm produce	266 00
For premiums on dairy products	8 00
For premiums on domestic.	547 90
For premiums on implements and machines....	27 50

For premiums on flowers..	\$40 50	
For premiums on fruits....	47 25	
For premiums on miscel- laneous	50 00	
Total	\$2,279 15	
Total disbursements		\$9,350 01
Balance (credit)		\$21 86

GENESEE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$4 94
From gate receipts.....	\$1,629 40	
From rent of grounds.....	45 00	
From rent of privileges.....	220 00	
From annual members.....	252 00	
From life members.....	50 00	
From entries for races (horse)	753 00	
From advertisements in catalogue...	100 00	
From notes given or any other obliga- tion.	3,017 36	
From State	1,850 00	
Receipts for 1900.....		7,916 76
Total receipts		\$7,921 70

DISBURSEMENTS.

For payment of notes or other obliga- tions.	\$1,464 49
For permanent improvements.....	880 98
For labor, \$146.75; teams, 64; total...	210 75
For material	232 96
For insurance, \$136.75; dinners at fair, \$69.50; expenses of meeting, \$45.50; total.	251 75

For printing and advertising, \$502.42; bands, \$419; revenue tax, \$8.33; total	\$929 75	
For postage and telegrams, \$35.71; dues, \$35; expenses of delegates, \$24.44; music, \$46.88; total.....	142 03	
For salaries: Secretary, \$100; treas- urer, \$25; office assistants, \$30; po- lice, \$46.75; judges, \$68; total.....	270 65	
For race purses (horses).....	1,520 00	
For premiums on horses... \$295 00		
For premiums on cattle ... 258 00		
For premiums on sheep.... 334 00		
For premiums on swine... 167 00		
For premiums on poultry.. 134 20		
For premiums on farm pro- duce..... 84 50		
For premiums on dairy products..... 30 00		
For premiums on domestic. 406 40		
For premiums on imple- ments and machines..... 39 50		
For premiums and flowers. 65 50		
For premiums on fruits.... 112 50		
For premiums on miscella- neous. 14 15		
Total.....	1,941 25	
Total disbursements	\$7,844 61	
Balance (credit)	\$77 09	

GREENE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$147 00
From gate receipts.....	\$1,911 70
From rent of privileges.....	367 50
From annual members.....	89 00
From entries for races (horse).....	370 00
From bonds issued, notes given or any other obligation	500 00
From State	1,318 84
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Receipts for 1900.....	4,557 04
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Total receipts	\$4,704 04

DISBURSEMENTS.

For payment of bonds, notes or other obligations.	\$613 33
For permanent improvements.....	200 00
For labor	412 57
For material	423 01
For printing and advertising.....	328 67
For salaries: Secretary, \$40; treas- urer, \$50; office assistants, \$10; po- lice, \$6; judges, \$25; superintend- ent, \$55.28; helpers, etc., \$482.50; total.	668 78
For race purses (horses).....	1,296 50
For premiums on horses....	\$88 00
For premiums on cattle....	151 10
For premiums on sheep....	32 00
For premiums on swine....	20 00
For premiums on poultry..	30 50
For premiums on farm pro- duce.....	28 00
For premiums on dairy products.....	22 00

For premiums on domestic.	\$191 50	
For improvements and im-		
plements and machines..	11 00	
For premiums on flowers..	21 50	
For premiums on fruits...	13 00	
For premiums on miscella-		
neous.....	37 75	
	<hr/>	
Total		\$646 35
		<hr/>
Total disbursements		\$4,589 21
		<hr/>
Balance (credit)		\$114 83
		<hr/> <hr/>

HERKIMER.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$67 72
From gate receipts.....	\$2,968 50	
From rent of grounds	13 00	
From rent of privileges.....	351 50	
From life members.....	360 00	
From entries for races (horse).....	310 50	
From hay sold.....	79 76	
From State	1,742 28	
	<hr/>	
Receipts for 1900.....		5,825 54
		<hr/>
Total receipts		\$5,893 26

DISBURSEMENTS.

For payment of bonds, notes or other		
obligations	\$637 75	
For National Trotting Association,		
government license and State dues..	38 24	
For permanent improvements.....	290 70	
For special attractions.....	343 50	
For labor	364 55	
For material	199 29	

For insurance	\$56 50	
For printing, advertising, postage and stationery	286 63	
For miscellaneous expenses.....	180 10	
For salaries: Secretary, \$75; treasurer, \$50; office assistants, \$104; police, 185.75; judges, \$91.50; superintend- ent, \$70.20; helpers, etc., \$39.75; total	616 20	
For race purses (horses).....	830 00	
For premiums on horses... \$199 00		
For premiums on cattle.... 301 50		
For premiums on sheep.... 72 00		
For premiums on swine.... 87 00		
For premiums on poultry.. 91 75		
For premiums on farm pro- duce	85 50	
For premiums on dairy products	80 43	
For premiums on domestic. 359 25		
For premiums on imple- ments and machines..... 24 00		
For premiums on flowers.. 47 75		
For premiums on fruits.... 53 50		
For premiums on miscel- laneous	88 90	
Total	1,490 58	
Total disbursements	\$5,334 04	
Balance (credit).....	\$559 22	

JEFFERSON.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$76 20
From gate receipts.....	\$3,878 88
From rent of grounds.....	180 00

From rent of privileges.....	\$893 00
From entries for premiums	147 25
From annual members.....	721 00
From life members.....	10 00
From entries for races (horse).....	1,435 00
From entries for races (bicycle or other)	5 75
From grand stand.....	1,771 35
From bonds issued, notes given or any other obligation	4,300 00
From State	2,694 13
From hacks, \$86; rent of barn, \$73.50; privileges sold, \$103; miscellaneous, \$21; total	283 50
<hr/>	
Receipts for 1900.....	\$16,319 86
<hr/>	
Total receipts	\$16,396 06

DISBURSEMENTS.

For payment of notes or other obliga- tions	\$2,493 07
For permanent improvements.....	2,139 10
For attractions, \$443.07; insurance, \$62.52; total.....	505 59
For labor	2,030 42
For material	520 84
For printing, \$638.82; miscellaneous, \$297.96; total.....	936 78
For salaries: Secretary, \$200; treas- urer, \$125; total	325 00
For race purses (horse).....	3,855 00
For race purses (bicycle or other) in- cluding cost of prizes.....	36 00
For premiums on horses....	\$401 00
For premiums on cattle....	656 00
For premiums on sheep....	191 00

For premiums on swine....	\$256 00	
For premiums on poultry..	477 00	
For premiums on farm pro- duce	181 75	
For premiums on dairy products	93 00	
For premiums on domestic.	410 80	
For premiums on flowers ..	182 00	
For premiums on fruits....	102 25	
For premiums on miscel- laneous	205 35	
Total	\$3,156 15	
Total disbursements		\$15,997 95
Balance (credit).....		\$398 11

LEWIS.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$1,350 64
From gate receipts.....	\$2,615 75
From rent of grounds.....	16 00
From rent of privileges.....	446 50
From annual members.....	710 00
From entries for races (horse).....	286 25
From hay sold, \$35; wood, \$9.50; shingles, \$4.80; total.....	49 30
From State	1,581 07
Receipts for 1900.....	5,704 87
Total receipts	\$7,055 51

DISBURSEMENTS.

For payment of bonds, notes or other obligations, interest.....	\$230 00
For permanent improvements.....	2,913 50

For postage, \$34.91; stationery, \$21.70; telephone, \$7.44; total.....	\$64 05	
For labor	151 50	
For material and incidentals.....	66 13	
For delegates and dues State Association, \$34.59; internal revenue, \$8.33; printing, \$328.95; music, \$275; attractions, \$426.62; insurance, \$52.50; water, \$25; office, \$31; total.....	1,181 99	
For salaries: Secretary, \$100; treasurer and chairman of managers, \$100; office assistants, \$85.25; police, \$106; judges, \$68.31; superintendent, 80; helpers, etc., \$56.22; total..	595 78	
For race purses (horses).....	817 50	
For premiums on horses... \$239 00		
For premiums on cattle... 375 00		
For premiums on sheep... 27 00		
For premiums on swine... 63 00		
For premiums on poultry.. 82 00		
For premiums on farm produce	60 25	
For premiums on dairy products	55 00	
For premiums on domestic. 222 75		
For premiums on implements and machines....	54 50	
For premiums on flowers.. 76 75		
For premiums on fruits... 40 25		
For premiums on miscellaneous	39 50	
Total	1,335 00	
Total disbursements	\$7,355 45	
Balance (debit)	\$299 94	

HEMLOCK LAKE UNION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$3,405 79
From gate receipts.....	\$464 50
From rent of grounds.....	40 00
From rent of privileges.....	341 00
From annual members.....	884 00
From entries for races (horse).....	135 00
From interest on deposits.....	54 27
From State	1,497 85
<hr/>	
Receipts for 1900.....	3,416 62
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Total receipts	\$6,822 41

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$21 00
For printing, advertising, stationery and postage	158 50
For purchase of land.....	1,600 00
For permanent improvements.....	284 00
For special attractions and band.....	350 00
For labor	248 86
For material	225 58
For purchase of grand stand.....	675 00
For forage, \$66; dinner tickets, \$72.80.	138 80
For salaries: Secretary, \$35; treasurer, \$35; office assistants, \$10.25; police, \$70.25; judges, \$85; superintendent, \$80; helpers, \$13.50; total.....	329 00
For race purses (horses).....	575 00
For premiums on horses...	\$238 50
For premiums on cattle...	150 00
For premiums on sheep...	154 00
For premiums on swine...	36 00
For premiums on poultry..	152 75

For premiums on farm pro-		
duce	\$38 25	
For premiums on dairy		
products	10 25	
For premiums on domestic.	193 55	
For premiums on imple-		
ments and machines.....	13 00	
For premiums on flowers..	19 25	
For premiums on fruits...	40 00	
For premiums on miscel-		
laneous	7 50	
	<hr/>	
Total	\$1,053 05	
	<hr/>	
Total disbursements		\$5,658 79
		<hr/>
Balance (credit)		\$1,163 62
		<hr/>

BROOKFIELD—MADISON COUNTY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$34 85
From gate receipts.....	\$1,775 00	
From rent of privileges.....	265 00	
From annual members.....	142 00	
From entries for races (horse).....	414 00	
From grand stand.....	351 25	
From State	1,510 66	
	<hr/>	
Receipts for 1900.....		4,457 91
		<hr/>
Total receipts		\$4,492 76

DISBURSEMENTS.

For payment of bonds, notes or other		
obligations.....	\$593 00	
For permanent improvements.....	167 04	
For labor	145 77	

For material	\$392 43	
For special attractions, music, etc....	593 00	
For salaries: Secretary, \$43.22; treasurer, \$30; office assistants, \$21.50; police, \$27; judges, \$51.36; superintendent, \$67.63; helpers, etc., \$53.47; total.....	294 18	
For race purses (horses).....	950 00	
For premiums on horses...	\$176 00	
For premiums on cattle....	285 00	
For premiums on sheep....	80 00	
For premiums on swine....	24 00	
For premiums on poultry..	130 60	
For premiums on farm produce.....	71 45	
For premiums on dairy products.....	3 50	
For premiums on domestic.	222 00	
For premiums on flowers..	18 10	
For premiums on fruits....	12 75	
For premiums on miscellaneous.....	40 45	
Total.....	1,063 90	
Total disbursements		\$4,199 32
Balance (credit)		\$293 44

MONTGOMERY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$162 91
From gate receipts.....	\$838 70
From rent of grounds.....	10 00
From rent of privileges.....	134 35

From annual members.....	\$83 00	
From life members.....	40 00	
From entries for races (horse).....	30 00	
From hay sold	127 50	
From State	1,711 48	
	<hr/>	
Receipts for 1900.....		\$2,975 03
		<hr/>
Total receipts		\$3,137 94

DISBURSEMENTS.

For payment of bonds, notes or other obligations, interest.....	\$260 00
For music	146 00
For permanent improvements.....	98 00
For printing	109 95
For labor	343 30
For material	106 33
For special attractions	124 25
For base ball.....	200 73
For miscellaneous	104 97
For salaries: Secretary, \$125; treasurer, \$40; office assistants, \$25; police, \$10; judges, \$24.50; superintendent, \$114.25; helpers, etc., \$25; total.	371 75
For race purses (horses).....	200 00
For premiums on horses... \$118 00	
For premiums on cattle....	95 50
For premiums on sheep....	35 00
For premiums on swine....	53 00
For premiums on poultry..	65 00
For premiums on farm produce.....	92 75
For premiums on domestic.	159 35
For premiums on implements and machines.....	8 00

For premiums on flowers..	\$75 20	
For premiums on miscella- neous.....	71 25	
Total	<u>\$773 05</u>	
Total disbursements		<u>\$2,838 33</u>
Balance (credit)		<u><u>\$299 61</u></u>

MONROE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$321 74
From gate receipts.....	\$2,403 48	
From rent of grounds	60 70	
From rent of privileges.....	472 00	
From entries for premiums	529 07	
From annual members.....	95 00	
From life members.....	12 00	
From entries for races (horse).....	502 50	
From entries for races (bicycle or other)	10 04	
From bonds issued, notes given or any other obligation	1,100 00	
From State	<u>2,024 96</u>	
Receipts for 1900		<u>7,209 75</u>
Total receipts		<u>\$7,531 49</u>

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$1,846 53
For permanent improvements.....	72 26
For hay and straw.....	54 71
For labor, general repairs.....	179 66
For postage	17 00

For advertising, \$282.55; insurance, \$70.93; interest, \$131.80; total.....	\$485 28	
For attractions	424 88	
For general expenses.....	560 47	
For salaries: Secretary, \$100; treas- urer, \$25; office assistants, \$50; police, \$85; judges, \$127.50; helpers, etc., \$121.50; total.....	509 00	
For race purses (horses).....	1,150 00	
For track repairs	34 12	
For premiums on horses... \$673 00		
For premiums on cattle.... 385 00		
For premiums on sheep.... 192 00		
For premiums on swine.... 144 00		
For premiums on poultry.. 116 30		
For premiums on farm pro- duce	38 25	
For premiums on dairy products	23 50	
For premiums on domestic. 342 15		
For premiums on flowers.. 54 50		
For premiums on fruits.... 120 00		
For premiums on miscel- laneous	43 15	
Total	2,131 85	
Total disbursements		\$7,465 76
Balance (credit).....		\$65 73

AMERICAN INSTITUTE OF THE CITY OF NEW YORK.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$9,478 12
From gate receipts.....	\$127 25
From rent of grounds, buildings, etc..	7,791 63

From annual members.....	\$385 00	
From interest on United States bonds and balances.....	421 60	
From miscellaneous.....	19 25	
From State	1,962 97	
	<hr/>	
Receipts for 1900.....		\$10,707 70
		<hr/>
Total receipts		\$20,185 82

DISBURSEMENTS.

For general maintenance	\$5,376 94	
For Sixty-ninth Fair (1900), Berkeley Lyceum	1 10	
For Seventieth Fair (1901), Berkeley Lyceum	250 54	
For salaries: Office assistants, \$3,170; helpers, etc., \$116; total.....	3,286 00	
For premiums on poultry..	\$42 00	
For premiums on farm pro- duce	224 50	
For premiums on flowers..	1,266 00	
For premiums on fruits....	303 00	
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Total	1,835 50	
	<hr/>	
Total disbursements		10,750 08
		<hr/>
Balance (credit).....		\$9,435 74
		<hr/> <hr/>

NIAGARA.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$513 54
From gate receipts.....	\$1,121 95	
From rent of grounds and privileges.	282 20	
From annual members.....	28 00	
From life members.....	50 00	

From entries for races (horse).....	\$470 00	
From donations	35 20	
From bonds issued, notes given or any other obligation	1,750 00	
From State	1,473 33	
	<hr/>	
Receipts for 1900.....		\$5,210 68
		<hr/>
Total receipts		\$5,724 22

DISBURSEMENTS.

For payment of bonds, notes or other obligations.....	\$700 00
For permanent improvements.....	922 44
For labor	147 20
For material	70 33
For advertising, \$373.56; attractions, \$277; total.....	650 56
For interest, \$325.75; insurance, \$25.42; taxes, \$26.20; total.....	377 37
For salaries directors, \$108; sundries, \$25; total.....	133 00
For salaries: Secretary, \$100; treas- urer, \$100; police, \$60; judges, \$15; helpers, etc., \$90.32; total.....	365 32
For race purses (horses).....	1,375 00
For premiums on horses... \$153 00	
For premiums on cattle... 175 00	
For premiums on sheep ... 47 00	
For premiums on swine.... 26 00	
For premiums on poultry.. 133 50	
For premiums on farm pro- duce.....	44 70
For premiums on dairy products.....	20 75
For premiums on domestic. 167 25	

For premiums on imple- ments and machines.....	\$5 00	
For premiums on flowers...	93 00	
For premiums on fruits....	60 00	
For premiums on miscella- neous.....	10 00	
	<hr/>	
Total	\$935 20	
	<hr/>	
Total disbursements		\$5,676 42
		<hr/>
Balance (credit)		\$47 80
		<hr/> <hr/>

ONEIDA.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$1,414 17
From gate receipts.....	\$2,985 50	
From rent of grounds.....	500 00	
From rent of privileges.....	570 00	
From rent of coops.....	64 80	
From annual members.....	342 00	
From life members.....	20 00	
From entries for races (horse).....	600 00	
From hay sold	1 31	
From State	1,805 30	
	<hr/>	
Receipts for 1900.....		6,888 91
		<hr/>
Total receipts		\$8,303 08

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$3 75
For payment of bonds, notes or other obligations.....	291 50
For printing and advertising.....	488 18
For permanent improvements.....	657 82
For entertainments	991 40

For labor	\$137 50	
For material.....	468 26	
For County Agricultural Societies, \$30; National Association, \$25; total....	55 00	
For insurance, \$109; revenue tax, \$10.17; total	119 17	
For miscellaneous	22 40	
For salaries: Secretary, \$50; treasurer, \$50; office assistants, \$61.75; police, \$179.20; judges, \$60; superintendent, \$19; total	419 95	
For race purses (horses).....	1,745 00	
For premiums on horses... \$177 00		
For premiums on cattle.... 640 00		
For premiums on sheep... 102 00		
For premiums on swine... 54 50		
For premiums on poultry .. 376 00		
For premiums on farm pro- duce.....	41 50	
For premiums on dairy products.....	12 00	
For premiums on domestic. 314 00		
For premiums on flowers... 33 50		
For premiums on fruits.... 107 00		
Total.....	1,857 50	
Total disbursements		\$7,257 43
Balance (credit)		\$1,045 65

ONTARIO.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$6 00
From gate receipts.....	\$1,269 67
From rent of grounds.....	102 00

From rent of privileges.....	\$216 75	
From annual members.....	151 00	
From life members.....	10 00	
From entries for races (horse).....	275 00	
From notes given.....	907 64	
From other sources	6 80	
From State	1,648 28	
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Receipts for 1900.....		\$4,587 14
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Total receipts.....		\$4,593 14

DISBURSEMENTS.

For payment of notes or other obligations	\$315 11	
For sidewalk, \$375; sewer tax, \$75.46; total	450 46	
For permanent improvements.....	114 00	
For printing	368 24	
For labor on buildings, \$51.98; on grounds, \$107.05; total.....	159 03	
For material	99 17	
\$72.38; postage, \$29.64; water, \$10; attractions, \$290; band, \$75; delegates to Albany, \$17.86; dues State Association, \$10; bills of 1900, \$2.40; insurance, \$83.82; dinners, \$54; other expenses, \$117.24; total.....	805 34	
For salaries: Secretary, \$50; treasurer, \$50; office assistants, \$124; police, \$83.75; judges, \$48.14; superintendent, \$93.50; helpers, etc., \$39; total..	488 39	
For race purses (horses).....	670 00	
For race purses (bicycle or other) including cost of prizes.....	10 00	
For premiums on horses... \$265 00		
For premiums on cattle.... 95 00		

For premiums on sheep....	\$200 00	
For premiums on swine....	45 00	
For premiums on poultry..	93 50	
For premiums on farm pro- duce	83 60	
For premiums on domestic.	179 25	
For premiums on imple- ments and machines.....	19 75	
For premiums on flowers..	37 75	
For premiums on fruits....	87 60	
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Total	\$1,106 45	
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Total disbursements		\$4,586 19
		<hr/>
Balance (credit).....		\$6 95
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ORANGE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$171 97
From gate receipts and grand stand..	\$3,253 50	
From miscellaneous sources.....	163 00	
From rent of privileges.....	650 07	
From entries for premiums	381 30	
From annual members	350 00	
From score cards, \$30.30; stables, \$93.80; total.....	124 10	
From entries for races (horse).....	449 00	
From entries for athletic contests....	23 25	
From donations, \$25.95; fines for sell- ing beer, \$50; total.....	75 95	
From bonds issued, notes given or any other obligation	5,625 00	
From State	2,624 56	
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Receipts for 1900.....		13,719 73
		<hr/>
Total receipts		\$13,891 70

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$4,879 98
For labor	984 34
For material	273 65
For insurance, \$85.29; hay, grain and straw, \$187.34; dinner tickets, \$174.50; total.....	447 13
For music, \$175; attractions, \$375; printing and advertising, \$556.57; total	1,106 57
For office disbursements, \$110.80; miscellaneous, \$491.44; total.....	602 24
For salaries: Secretary, \$140; treasurer, \$75; police, \$123.50; judges, \$71.60; superintendent, \$135; helpers, etc., \$86; total.....	631 10
For race purses (horses).....	1,430 00
For premiums on horses....	\$276 00
For premiums on cattle....	558 00
For premiums on sheep....	81 00
For premiums on swine....	23 00
For premiums on poultry..	940 00
For premiums on farm produce	286 50
For premiums on dairy products	11 00
For premiums on domestic.	472 00
For premiums on implements and machines.....	167 00
For premiums on flowers ..	138 50
For premiums on fruits....	278 25
For premiums on miscellaneous	217 00
Total	3,448 25

Total disbursements	\$13,800 26
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Balance (credit).....	\$91 44
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ORLEANS.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$367 42
From gate receipts.....	\$939 00	
From rent of grounds.....	70 00	
From rent of privileges.....	506 80	
From grand stand.....	133 40	
From annual members.....	968 00	
From life members.....	40 00	
From entries for races (horse).....	447 25	
From returned premium.....	3 00	
From rebate insurance	8 75	
From notes given.....	900 00	
From State.....	1,873 08	
From interest on mortgage, \$49.80; oats and fodder, \$41.12; log cabin, \$7; total.....	97 92	
Receipts for 1900.....		5,987 20
Total receipts		\$6,354 62

DISBURSEMENTS.

For payment of notes or other obligations.....	\$624 00
For permanent improvements.....	980 00
For insurance	99 16
For labor	434 20
For material	539 98
For salaries: Secretary, \$75; treasurer, \$75; office assistants, \$51.75; police, \$73.25; judges, \$72.50; superintendent, \$54; helpers, etc., \$140; total.....	541 50
For race purses (horses).....	991 25
For premiums on horses... \$353 75	
For premiums on cattle... 224 00	

For premiums on sheep....	\$454 00	
For premiums on swine...	118 00	
For premiums on poultry..	163 50	
For premiums on farm pro- duce.	64 00	
For premiums on domestic.	214 55	
For premiums on imple- ments and machines	4 00	
For premiums on flowers..	56 00	
For premiums on fruits...	112 25	
For premiums on miscella- neous.	77 50	
	<hr/>	
Total	\$1,841 55	
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Total disbursements.....		\$6,051 64
		<hr/>
Balance (credit).....		\$302 98
		<hr/> <hr/>

OSWEGO.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$592 95
From gate receipts	\$4,543 52	
From rent of grounds.....	55 00	
From rent of privileges.....	588 67	
From life members.....	100 00	
From entries for races (horse).....	209 00	
From State	2,120 85	
	<hr/>	
Receipts for 1900.....		7,617 04
		<hr/>
Total receipts		\$8,209 99

DISBURSEMENTS.

For permanent improvements.....	\$1,784 10
For labor	664 94
For material	531 89

For printing, \$138.03; advertising, \$145; use of tents, \$92.50; insurance, \$16; total.....	\$391 53	
For interest, \$200; music, \$110; special attractions, \$225; revenue tax, \$8.33; water rent, \$6; total.....	549 33	
For judgment and costs account merry-go-round law suit.....	301 44	
For salaries: Secretary, \$150; treasurer, \$50; office assistants, \$39.30; police, \$183.38; judges, \$135.98; superintendent, \$140.04; helpers, etc., \$85.75; total	784 45	
For race purses (horses).....	1,125 00	
For premiums on horses... \$305 00		
For premiums on cattle ... 405 00		
For premiums on sheep.... 147 00		
For premiums on swine.... 234 00		
For premiums on poultry.. 153 50		
For premiums on farm produce. 180 50		
For premiums on dairy products..... 18 00		
For premiums on domestic. 504 95		
For premiums on implements and machines..... 20 00		
For premiums on flowers.. 29 50		
For premiums on fruits... 26 25		
Total.....	2,023 70	
Total disbursements	\$8,156 38	
Balance (credit).....	\$53 61	

OTSEGO.

RECEIPTS.

From gate receipts.....	\$2,212 57
From rent of grounds	20 00
From rent of privileges.....	299 25
From annual members.....	473 00
From life members.....	20 00
From entries for races (horse).....	207 50
From grand stand	221 95
From donations	100 00
From bonds issued, notes given or any other obligation	1,500 00
From State	2,000 09

Total receipts	\$7,054 36
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DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$206 18
For permanent improvements.....	1,345 23
For labor	226 80
For material and printing	293 54
For special attractions.....	358 69
For sundries and all other expenses...	1,196 98
For salaries: Secretary, \$75; treas- urer, \$50; office assistants, \$90.75; police, \$141; judges, \$57; superin- tendent, \$40; helpers, etc., \$33; total	486 75
For race purses (horses).....	1,022 50
For race purses (bicycle or other) in- cluding cost of prizes.....	75 00
For premiums on horses... \$147 00	
For premiums on cattle... 788 00	
For premiums on sheep... 275 00	
For premiums on swine... 44 00	
For premiums on poultry.. 173 75	
For premiums on farm pro- duce.....	89 00

For premiums on dairy products.	\$29 25	
For premiums on domestic.	186 00	
For premiums on imple- ments and machines.	62 00	
For premiums on flowers.	34 25	
For premiums on fruits.	46 50	
For premiums on miscella- neous.	164 25	
	<hr/>	
Total.	\$2,039 00	
	<hr/>	
Total disbursements		\$7,250 67
		<hr/>
Balance (debit)		\$196 31
		<hr/> <hr/>

PUTNAM.

RECEIPTS.

Balance on hand at close of fiscal year 1900.		\$208 26
From gate receipts.	\$1,150 50	
From rent of grounds.	50 00	
From rent of privileges.	260 00	
From entries	10 00	
From grand stand.	408 25	
From score cards.	69 30	
From entries for races (horse).	630 00	
From reserved seats.	75 50	
From State	1,275 90	
	<hr/>	
Receipts for 1900.		3,929 45
		<hr/>
Total receipts		\$4,137 71

DISBURSEMENTS.

For unpaid bills	\$294 00
For insurance	60 00
For interest on note.	60 00
For permanent improvements.	119 79
For feed, oats and straw.	225 75

For labor	\$350 00	
For material	114 29	
For advertising	145 00	
For printing	103 42	
For salaries: Secretary, \$50; treasurer, \$35; office assistants, \$50; police, \$125.50; judges, \$50; superintendent, \$60; helpers, etc., \$25; total.....	395 50	
For race purses (horses).....	1,500 00	
For race purses (bicycle or other) in- cluding cost of prizes.....	100 00	
For premiums on horses... \$165 50		
For premiums on cattle.... 111 00		
For premiums on farm pro- duce. 72 00		
For premiums on dairy products. 46 50		
For premiums on domestic. 360 50		
For premiums on flowers.. 105 00		
For premiums on fruits... 108 25		
For premiums on miscella- neous. 15 00		
Total.....	983 75	
Total disbursements		\$4,451 50
Balance (debit)		\$313 79

QUEENS—NASSAU.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$6,068 61
From gate receipts.....	\$15,609 40
From rent of carriage sheds.....	376 00
From rent of privileges.....	2,768 35
From entries for premiums (poultry)..	169 00
From annual members.....	1,134 00
From life members.....	275 00

From entries for races (horse).....	\$3,898 75	
From carriage tickets.....	269 00	
From miscellaneous.....	77 77	
From State	3,631 62	
	<hr/>	
Receipts for 1900.....		\$28,208 89
		<hr/>
Total receipts		\$34,277 50

DISBURSEMENTS.

For payment of bonds and interest...	\$3,579 73	
For debts of 1900.....	122 50	
For printing and stationery.....	1,010 12	
For incidental expenses	4,183 17	
For labor	1,058 62	
For salaries: Secretary, \$600; treasurer, \$750; police, \$410; judges, \$431.88; superintendent, \$75; helpers, \$1,916.75; total.....	4,183 60	
For race purses (horses).....	7,452 50	
For premiums on horses... \$150 00		
For premiums on cattle... 663 00		
For premiums on sheep.... 176 00		
For premiums on swine... 249 00		
For premiums on poultry.. 762 00		
For premiums on farm produce..... 507 00		
For premiums on domestic. 560 25		
For premiums on implements and machines.... 245 00		
For premiums on flowers.. 845 00		
For premiums on fruits.... 415 00		
For premiums on miscellaneous. 641 75		
	<hr/>	
Total.....	5,214 00	
	<hr/>	
Total disbursements		26,804 24
		<hr/>
Balance (credit)		\$7,473 26
		<hr/>

AGRICULTURAL AND LIBERAL ARTS SOCIETY OF RENSSELAER COUNTY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$24 22
From gate receipts.....	\$2,246 75	
From rent of privileges.....	523 00	
From entries for premiums.....	162 28	
From annual members	49 00	
From entries for races (horse).....	432 50	
From bonds issued, notes given or any other obligation	1,300 00	
From State	2,190 23	
	<hr/>	
Receipts for 1900.....		6,903 76
		<hr/>
Total receipts		\$6,927 98

DISBURSEMENTS.

For payment of bonds, notes or other obligations.....	\$700 00
For labor	133 12
For material and feed.....	368 58
For miscellaneous, music, attractions, rent, etc.....	1,171 33
For salaries: Police, \$50; judges, \$112.80; helpers, etc., \$129.74; total.	292 54
For race purses (horses).....	1,442 50
For premiums on horses... \$296 00	
For premiums on cattle... 354 25	
For premiums on sheep... 237 00	
For premiums on swine... 136 00	
For premiums on poultry.. 275 50	
For premiums on farm pro- duce.....	115 75
For premiums on dairy products.....	22 00

For premiums on domestic.	\$191 75	
For premiums on imple- ments and machines	25 00	
For premiums on flowers ..	723 00	
For premiums on fruits....	99 00	
For premiums on miscella- neous.....	250 25	
	<hr/>	
Total	\$2,725 50	
	<hr/>	
Total disbursements		\$6,833 57
		<hr/>
Balance (credit)		\$94 41
		<hr/> <hr/>

RENSSELAER COUNTY AGRICULTURAL AND HORTICUL- TURAL SOCIETY.

RECEIPTS.

From gate receipts.....	\$1,754 65	
From rent of grounds.....	208 58	
From rent of privileges.....	301 80	
From entries for premiums.....	21 75	
From annual members	315 00	
From entries for races (horse).....	332 00	
From donations	200 00	
From bonds issued, notes given or any other obligation.....	800 00	
	<hr/>	
Total receipts		\$3,933 78

DISBURSEMENTS.

For hay and straw.....	\$91 38	
For labor	132 11	
For material	86 45	
For general expenses (stationery, post- age, etc.).....	110 51	

For advertising	\$526 06	
For music, \$208.44; amusements, \$353; total	561 44	
For salaries: Secretary, \$100; office assistants, \$5; police, \$85.50; judges, \$21.50; superintendent, \$15; total..	227 00	
For race purses (horses).....	1,268 60	
For National Trotting Association...	15 00	
For premiums on horses...	\$104 00	
For premiums on cattle...	61 00	
For premiums on sheep...	19 00	
For premiums on swine...	34 00	
For premiums on poultry..	54 75	
For premiums on farm pro- duce.	71 50	
For premiums on dairy products.....	4 00	
For premiums on domestic.	108 00	
For premiums on imple- ments and machines....	121 50	
For premium on flowers....	84 00	
For premiums on fruits...	51 25	
For premiums on miscella- neous.....	64 50	
Total.....	777 50	
Total disbursements	\$3,796 05	
Balance (credit)	\$137 73	

ROCKLAND COUNTY AGRICULTURAL AND HORTICUL-
TURAL ASSOCIATION.

RECEIPTS.

From gate receipts	\$1,929 75
From rent of stables.....	125 25

From rent of privileges.....	\$539 70
From entries for premiums (poultry)..	64 00
From annual members	597 00
From grand stand, \$411.50; bleachers, \$80.40; total	491 90
From entries for races (horse).....	1,309 00
From notes given.....	250 00
From State	1,581 47

Total receipts \$6,888 07

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$90 55
For payment of bonds, notes or other obligations.....	1,100 00
For ground rent	450 00
For Association dues.....	25 00
For attractions	231 00
For labor	385 12
For material	513 05
For various expenses.....	255 14
For advertising.....	86 80
For printing	159 63
For salaries: Secretary, \$105; treas- urer, \$50; office assistants, \$34.50; police, \$62; judges, \$32.50; superin- tendent, \$65; helpers, etc., \$29; total.	378 00
For music, \$190.50; tents, \$120.95; total.....	311 45
For premiums on horses... \$115 50	
For premiums on cattle... 82 00	
For premiums on sheep.... 15 00	
For premiums on swine... 19 50	
For premiums on poultry.. 203 50	
For premiums on farm pro- duce.....	247 80

For premiums on dairy products.	\$1 75	
For premiums on domestic.	34 75	
For premiums on flowers.. . . .	76 15	
For premiums on fruits...	152 95	
For premiums on miscellane- ous.	171 55	
Total.	\$1,120 45	
Total disbursements		\$7,056 19
Balance (debit)		\$168 12

ST. LAWRENCE.

RECEIPTS.

From gate receipts	\$3,994 20	
From rent of grounds.....	776 45	
From rent of privileges	160 00	
From entries for premiums.....	272 50	
From entries for races (horse).....	1,886 00	
From bonds issued, notes given or any other obligation	5,300 00	
From State	2,197 12	
Total receipts		\$14,586 27

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$5,929 67	
For permanent improvements.....	894 81	
For labor	181 00	
For material	273 25	
For salaries: Secretary, \$200; treas- urer, \$100; office assistants, \$96; police, \$128.50; vice-president, \$100; superintendent, \$100; helpers, etc., \$37.50; total	762 00	

For race purses (horses).....	\$3,751 00
For premiums on horses...	\$229 00
For premiums on cattle....	923 00
For premiums on sheep...	187 00
For premiums on swine...	59 00
For premiums on poultry..	541 25
For premiums on farm pro- duce	95 00
For premiums on dairy products	124 00
For premiums on domestic.	401 00
For premiums on imple- ments and machines.....	93 00
For premiums on flowers..	27 00
For premiums on fruits....	37 75
For premiums on miscel- laneous	28 00
Total	<u>2,745 00</u>
Total disbursements	\$14,536 73
Balance (credit)	<u><u>\$49 54</u></u>

SARATOGA.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$504 15
From gate receipts.....	\$1,883 55
From grand stand.....	589 45
From rent of privileges	675 50
From poultry	296 75
From annual members	510 00
From entries for races (horse).....	450 00
From donations	250 00
From State	2,037 00
Receipts for 1900	<u>6,692 25</u>
Total receipts	<u>\$7,196 40</u>

DISBURSEMENTS.

For Educational Day.....	\$108 00	
For miscellaneous	110 91	
For advertising	233 20	
For permanent improvements	418 47	
For hay and feed.....	264 19	
For labor	133 41	
For material and supplies.....	102 61	
For superintendents of departments..	51 00	
For printing	97 30	
For insurance	85 10	
For salaries: Secretary, \$150; treasurer, \$75; office assistants, \$87; police, \$83.25; judges, \$71.55; superintendent, \$25; helpers, etc., \$136.88; total	628 68	
For race purses (horses).....	1,180 00	
For attractions and music	490 00	
For premiums of 1900 paid in 1901....	14 60	
For premiums on horses... \$144 00		
For premiums on cattle... 501 00		
For premiums on sheep.... 205 50		
For premiums on swine... 161 00		
For premiums on poultry.. 689 20		
For premiums on farm produce	95 25	
For premiums on dairy products	32 50	
For premiums on domestic. 350 25		
For premiums on implements and machines.....	45 75	
For premiums on flowers.. 96 50		
For premiums on fruits.... 59 00		
For premiums on miscellaneous	86 35	
Total	2,466 30	
Total disbursements		\$6,383 77
Balance (credit)		\$812 63

SCHOHARIE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$39 81
From gate receipts.....	\$1,303 19	
From rent of grounds.....	17 00	
From rent of privileges.....	401 25	
From entries for premiums.....	346 54	
From forage and old lumber.....	41 64	
From new lumber and freight rebate..	12 22	
From entries for races (horse).....	270 00	
From bonds issued, notes given or any other obligation	2,700 00	
From State	1,741 53	
Receipts for 1900.....		6,833 37
Total receipts		<hr/> \$6,873 18

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$1,027 00
For permanent improvements.....	1,200 00
For labor	418 69
For material	118 40
For salaries: Secretary, \$50; treasurer, \$50; judges, \$70; total.....	170 00
For race purses (horses).....	1,500 00
For race purses (bicycle or other) in- cluding cost of prizes.....	295 00
For premiums on horses... \$164 00	
For premiums on cattle... 434 00	
For premiums on sheep... 321 00	
For premiums on swine... 120 00	
For premiums on poultry.. 494 25	
For premiums on farm pro- duce	147 50

For premiums on dairy products	\$12 50	
For premiums on domestic.	367 30	
For premiums on imple- ments and machines.....	3 00	
For premiums on flowers..	12 00	
For premiums on fruits...	101 00	
For premiums on miscel- laneous	22 00	
Total.	\$2,198 55	
Total disbursements		\$6,920 64
Balance (debit)		\$47 46

SCHUYLER.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$1,218 73
From gate receipts.....	\$827 93	
From rent of grounds.....	109 75	
From rent of privileges.....	87 50	
From annual members.....	226 00	
From grand stand.....	62 30	
From entries for races (horse).....	129 37	
From advertising—premium list.....	56 00	
From interest	37 50	
From State	1,518 96	
Receipts for 1900.....		3,055 31
Total receipts		\$4,274 04

DISBURSEMENTS.

For rent of grounds.....	\$250 00
For advertising, telephone and sundry expenses	49 65
For permanent improvements.....	37 68

For attractions	\$197 00	
For printing	70 00	
For material and labor.....	138 89	
For salaries: Secretary, \$25; treasurer, \$25; office assistants, \$11; police, \$31.75; judges, \$46.05; superintend- ent, \$17; helpers, etc., \$32.50; total..	188 30	
For race purses (horses).....	545 00	
For premiums on horses... \$152 50		
For premiums on cattle... 97 00		
For premiums on sheep... 165 00		
For premiums on swine... 71 00		
For premiums on poultry.. 174 75		
For premiums on farm pro- duce	137 75	
For premiums on dairy products	2 50	
For premiums on domestic. 327 25		
For premiums on flowers.. 81 00		
For premiums on fruits... 167 00		
For premiums on miscel- laneous	20 75	
Total	1,396 50	
Total disbursements		\$2,873 02
Balance (credit)		\$1,401 02

SENECA.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$1,471 22
From gate receipts.....	\$1,211 29
From rent of privileges.....	194 00
From entries for premiums.....	82 80
From annual members	708 00

From entries for races (horses).....	\$361 89	
From State	1,739 71	
		<hr/>
Receipts for 1900.....		\$4,297 69
		<hr/>
Total receipts		\$5,768 91

DISBURSEMENTS.

For permanent improvements.....	\$35 16	
For labor	211 43	
For material	155 76	
For dues, State Society.....	10 00	
For insurance	93 44	
For miscellaneous	129 98	
For salaries: Office assistants, \$96; police, \$80.12; judges, \$48.24; super- intendent, \$84; helpers, etc., \$12; total.....	320 36	
For race purses (horses).....	890 00	
For premiums on horses... \$286 00		
For premiums on cattle... 318 00		
For premiums on sheep... 162 00		
For premiums on swine... 134 00		
For premiums on poultry.. 261 75		
For premiums on farm pro- duce.	32 00	
For premiums on dairy products.....	9 00	
For premiums on domestic.	96 00	
For premiums on imple- ments and machines....	5 00	
For premiums on flowers..	31 00	
For premiums on fruits... 22 50		
For premiums on miscella- neous.	31 75	
		<hr/>
Total.....	1,389 00	
		<hr/>
Total disbursements		3,235 13
		<hr/>
Balance (credit)		\$2,533 78
		<hr/>

STEUBEN.

RECEIPTS.

From gate receipts.....	\$4,087 50	
From rent of grounds.....	2 00	
From rent of privileges.....	744 00	
From entries for premiums.....	350 00	
From annual members	340 00	
From entries for races (horse).....	764 50	
From entries for races, miscellaneous.	281 33	
From State	2,603 86	
		<hr/>
Total receipts		\$9,173 19

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$23 54	
For payment of bonds, notes or other obligations, interest	210 00	
For labor	274 25	
For material	293 51	
For forage	215 78	
For music	141 00	
For miscellaneous	1,065 25	
For salaries: Secretary, \$300; treasurer, \$50; office assistants, \$217.80; police, \$59; judges, \$19; superintendent, \$150; helpers, etc., \$272; total..	1,067 80	
For race purses (horses).....	1,600 00	
For premiums on horses...	\$444 00	
For premiums on cattle ...	430 75	
For premiums on sheep ...	312 20	
For premiums on swine ...	271 00	
For premiums on poultry..	501 50	
For premiums on farm produce.....	218 75	
For premiums on dairy products.....	14 00	

For premiums on domestic.	\$166 75	
For premiums on flowers..	19 50	
For premiums on fruits....	219 25	
For premiums on miscella- neous.	377 00	
Total.	\$2,974 70	
Total disbursements		\$7,865 83
Balance (credit)		\$1,307 36

SUFFOLK.

RECEIPTS.

From gate receipts.	\$3,645 00	
From rent of privileges.	649 00	
From life members.	50 00	
From entries for races (horse).	925 00	
From State	2,092 30	
Total receipts		\$7,361 30

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$605 27
For permanent improvements.	2,597 16
For labor	1,009 43
For material	547 42
For printing, \$413.68; insurance, \$70; total.	483 68
For freight, \$220; hay and feed, \$325.40; total	545 40
For salaries: Secretary, \$200; police, \$43.40; judges, \$245; total.	488 40
For race purses (horses).	2,130 00
For premiums on horses... \$187 00	
For premiums on cattle ... 380 75	

For premiums on sheep...	\$101 00	
For premiums on swine ...	108 00	
For premiums on poultry..	311 25	
For premiums on farm pro- duce.	249 25	
For premiums on domestic.	396 50	
For premiums on imple- ments and machines	38 00	
For premiums on flowers..	83 75	
For premiums on fruits...	68 00	
For premiums on miscella- neous.	97 50	
Total.	<u>\$2,021 00</u>	
Total disbursements		\$10,427 76
Balance (debit)		<u><u>\$3,066 46</u></u>

SULLIVAN.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$536 55
From gate receipts.....	\$1,809 09	
From rent of privileges.....	380 00	
From annual members.....	199 00	
From life members.....	20 00	
From entries for races (horse).....	113 00	
From State	1,781 72	
Receipts for 1900.....	<u>4,302 81</u>	
Total receipts		\$4,839 36

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$65 10
For permanent improvements.....	385 72
For labor	481 10

For material	\$384 72	
For miscellaneous	41 50	
For salaries: Secretary, \$50; treasurer, \$10; police, \$50; judges, \$47; super- intendent, \$20; helpers, etc., \$90; total.....	267 00	
For race purses (horses).....	575 00	
For premiums on horses... \$213 00		
For premiums on cattle... 435 00		
For premiums on sheep... 43 50		
For premiums on swine... 44 00		
For premiums on poultry.. 101 25		
For premiums on farm pro- duce.....	127 00	
For premiums on dairy products.....	39 75	
For premiums on domestic. 133 45		
For premiums on imple- ments and machines 42 50		
For premiums on flowers.. 55 25		
For premiums on fruits... 30 60		
For premiums on miscella- neous.....	136 50	
Total.....	1,401 80	
Total disbursements	\$3,601 94	
Balance (credit)	\$1,237 42	

TIOGA.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$218 17
From gate receipts	\$1,810 80
From rent of grounds.....	286 30

From rent of privileges.....	\$265 00
From entries for premiums.....	92 75
From annual members	731 00
From entries for races (horse).....	340 00
From bonds issued, notes given or any other obligation	201 50
From State	1,620 05

Receipts for 1900.....	\$5,347 40
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Total receipts	\$5,565 57
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DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$1,706 66
For permanent improvements.....	72 40
For labor	251 90
For material	86 49
For expenses, \$214.68; advertising, \$366.35; total	581 03
For attractions	365 00
For baseball	95 70
For salaries: Office assistants, \$38; police, \$73; judges, \$98.21; helpers, etc., \$61.96	271 17
From race purses (horses).....	1,000 00
For premiums on horses... \$116 00	
For premiums on cattle ... 272 00	
For premiums on sheep... 124 00	
For premiums on swine ... 49 00	
For premiums on poultry.. 323 25	
For premiums on farm pro- duce.....	21 25
For premiums on dairy products.....	17 25
For premiums on domestic. 220 60	

For premiums on flowers...	\$22 00	
For premiums on fruits....	73 80	
For premiums on miscella- neous.....	29 00	
Total.	\$1,268 15	
Total disbursements		\$5,698 50
Balance (debit)		\$132 93

TOMPKINS.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$401 85
From gate receipts.....	\$1,268 59	
From rent of privileges.....	328 00	
From forage sold.....	31 22	
From annual members.....	1,386 00	
From members, \$5 each.....	200 00	
From entries for races (horse).....	304 50	
From signs on fence and advertise- ments and premium list.....	123 00	
From bonds issued, notes given or any other obligation.....	2,200 00	
From State	2,045 96	
Receipts for 1900.....		7,887 27
Total receipts		\$8,289 12

DISBURSEMENTS.

For permanent improvements.....	\$989 75
For labor	126 99
For material	183 96
For tickets and advertising, \$944.50; tents, \$210; insurance, \$84; posters, \$8; attractions, \$495; repairs,	

\$272.33; National Trotting Association, \$29; starter, \$35; electricity, \$48; marshal, \$10; forage, \$106.37; total.	\$2,241 80	
For salaries: Secretary, \$50; treasurer, \$50; office assistants, \$36; police, \$29.75; judges, \$36; superintendent, \$81.50; total	283 25	
For race purses (horses).	1,956 00	
For premiums on horses.	\$544 50	
For premiums on cattle.	503 75	
For premiums on sheep.	291 00	
For premiums on swine.	223 00	
For premiums on poultry	95 00	
For premiums on farm produce.	105 15	
For premiums on dairy products.	48 45	
For premiums on domestic.	257 65	
For premiums on flowers	63 35	
For premiums on fruits.	71 40	
For premiums on miscellaneous.	286 35	
Total.	2,489 60	
Total disbursements		\$8,271 35
Balance (credit)		\$17 77

ULSTER.

RECEIPTS.

Balance on hand at close of fiscal year 1900.	\$225 13
From gate receipts.	\$1,760 50
From grand stand.	160 75

From rent of privileges.....	\$231 75	
From entries for premiums and annual members	180 00	
From donations.....	52 30	
From notes given.....	500 00	
From State.....	1,802 69	
		<hr/>
Receipts for 1900.....		\$4,687 99
		<hr/>
Total receipts.....		\$4,913 12

DISBURSEMENTS.

For payment of notes and interest...	\$1,050 00
For labor.....	182 30
For material.....	180 39
For miscellaneous expenses.....	542 13
For advertising and printing.....	360 51
For rent of grounds.....	200 00
For salaries: Secretary and assistant, \$150; treasurer, \$50; office assist- ants, \$37; judges, \$73.27; superin- tendent, \$25; total.....	335 27
For race purses (horses).....	259 75
For purses (coaching parade).....	162 93
For premiums on horses... \$203 40	
For premiums on cattle... 319 50	
For premiums on sheep... 11 70	
For premiums on swine... 10 80	
For premiums on poultry.. 198 67	
For premiums on farm produce	121 75
For premiums on dairy products	19 00
For premiums on domestic. 224 15	
For premiums on imple- ments and machines.....	82 50

For premiums on flowers..	\$40 90	
For premiums on fruits....	112 00	
For premiums on miscel- laneous	84 00	
Total	\$1,428 37	
Total disbursements		\$4,701 65
Balance (credit).....		\$211 47

WARREN COUNTY FAIR.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$14 50
From gate receipts.....	\$1,641 09	
From rent of grounds.....	10 00	
From rent of privileges.....	299 75	
From entries for premiums.....	14 50	
From entries for races (horse).....	333 75	
From notes given.....	5,800 92	
From State.....	1,312 63	
Receipts for 1900.....		9,412 64
Total receipts.....		\$9,427 14

DISBURSEMENTS.

For payment of notes.....	\$825 07
For rental of land and appurtenances.	500 00
For grand stand, judges' hall, exhibi- tion hall.....	4,100 00
For labor.....	535 28
For material.....	994 95
For sundry bills, \$133.46; insurance, \$59.16; music, \$100; printing and ad- vertising, \$187.73; attractions, \$230; total	710 35

For salaries: Secretary, \$50; office assistants, \$16; police, \$8; judges, \$40; helpers, etc., \$154; total.....	\$268 00	
For race purses (horses).....	765 00	
For race purses (bicycle or other), including cost of prizes.....	25 00	
For premiums on horses....	\$71 50	
For premiums on cattle....	123 50	
For premiums on sheep....	47 00	
For premiums on swine....	33 00	
For premiums on poultry..	79 00	
For premiums on farm produce.....	41 50	
For premiums on dairy products	63 50	
For premiums on domestic.	154 00	
For premiums on implements and machines....	23 00	
For premiums on flowers..	30 25	
For premiums on fruits...	14 75	
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Total	681 00	
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Total disbursements		\$9,404 65
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Balance (credit).....		\$22 49
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WASHINGTON.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$92 35
From gate receipts.....	\$4,140 70
From rent of privileges.....	1,700 00
From annual members.....	154 00
From hay.....	50 00

From bonds issued, notes given, or any other obligations	\$1,800 00	
From State	2,862 41	
		<hr/>
Receipts for 1900.....		\$10,707 11
		<hr/>
Total receipts.....		\$10,799 46

DISBURSEMENTS.

For payment of bonds, notes given or other obligations	\$1,552 00	
For insurance.....	219 00	
For permanent improvements.....	350 00	
For labor.....	274 00	
For material and supplies.....	601 68	
For attractions, \$521; hay and straw, \$294.91; advertising, \$636.25; print- ing, \$450; total.....	1,902 16	
For salaries: Secretary, \$300; treas- urer, \$150; office assistants, \$86; police, \$288.05; judges, \$150; super- intendent, \$205.37; helpers, etc., \$120.50; total.....	1,299 92	
For race purses (horses).....	600 00	
For rental	68 13	
For premiums on horses... \$430 00		
For premiums on cattle... 1,142 00		
For premiums on sheep.... 321 00		
For premiums on swine... 165 00		
For premiums on poultry.. 600 00		
For premiums on farm produce	233 25	
For premiums on dairy products	34 50	
For premiums on domestic.	721 75	

For premiums on imple-		
ments and machines.....	\$120 75	
For premiums on flowers..	116 25	
For premiums on fruits...	36 00	
	<hr/>	
Total.	\$3,920 50	
	<hr/>	
Total disbursements		\$10,787 39
		<hr/>
Balance (credit).....		\$12 07
		<hr/>

WAYNE.

RECEIPTS.

From gate receipts.....	\$730 10	
From rent of privileges.....	110 00	
From life members.....	187 00	
From entries for races (horse).....	91 25	
From State	1,499 73	
	<hr/>	
Total receipts		\$2,618 08

DISBURSEMENTS.

Balance due at close of fiscal year 1901	\$27 03	
For labor on track.....	405 00	
For hay, straw and tents.....	172 50	
For unpaid premiums of 1900, \$250;		
bills of 1900, \$75; total.....	325 00	
For salaries: Judges, \$45; superin-		
tendent, \$50 total.....	95 00	
For race purses (horses).....	407 10	
For amusements	60 00	
For premiums on horses... \$268 25		
For premiums on cattle... 177 00		
For premiums on sheep ... 185 00		
For premiums on swine ... 51 00		
For premiums on poultry.. 19 00		

For premiums on farm pro-		
duce.	\$66 80	
For premiums on domestic.	201 95	
For premiums on imple-		
ments and machines....	105 00	
For premiums on fruits...	52 45	
	<hr/>	
Total.	\$1,126 45	
	<hr/>	
Total disbursements		\$2,618 08
		<hr/>

WESTCHESTER.

RECEIPTS.

Balance on hand at close of fiscal year 1901.....		\$903 26
From gate receipts	\$7,504 05	
From rent of grounds.	400 00	
From rent of privileges.	976 50	
From entries for premiums.	175 00	
From entries for races (horse).	1,055 00	
From rent of stables.	98 00	
From bonds issued, notes given or any other obligation	1,000 00	
From State	5,500 73	
	<hr/>	
Receipts for 1901.		16,709 28
		<hr/>
Total receipts		\$17,612 54

DISBURSEMENTS.

For interest on mortgage and notes. .	\$930 00
For labor	959 88
For material	1,500 00
For music	220 00
For attractions	100 00

For salaries: Secretary, \$500; treasurer, \$100; office assistants, \$285; police, \$425; judges, \$250; superintendent, \$525; helpers, etc., \$375; total.	\$2,460 00
For race purses (horses).	2,850 00
For premiums on horses.	\$4,096 00
For premiums on cattle.	371 75
For premiums on sheep	314 00
For premiums on swine.	82 00
For premiums on poultry.	570 25
For premiums on farm produce.	886 00
For premiums on dairy products.	231 50
For premiums on domestic.	1,188 25
For premiums on flowers.	186 50
For premiums on fruits.	386 00
<hr/>	
Total.	8,312 25
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Total disbursements	\$17,332 25
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Balance (credit)	\$280 41
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WYOMING.

RECEIPTS.

Balance on hand at close of fiscal year 1900.	\$25 58
From gate receipts.	\$589 75
From rent of grounds and house.	84 50
From rent of privileges.	73 00
From annual members.	148 00
From entries for races (horse).	325 00
From grand stand.	241 57

From bonds issued, notes given or any other obligations	\$1,350 00	
From State	1,362 43	
From State Fair Commission.....	100 00	
		<hr/>
Receipts for 1901.....		\$4,274 25
		<hr/>
Total receipts		\$4,299 83

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$541 47
For band and attractions.....	220 54
For permanent improvements	546 44
For printing and advertising.....	138 55
For labor	184 14
For material	156 40
For hay, feed and stabling.....	43 66
For dues to State Association, \$10; Western New York Asscciation, \$5; National Association, \$10; United States Internal Revenue tax, \$10; total	35 00
For delegates' expenses to Associa- tions.....	139 75
For salaries: Secretary, \$75; office as- sistants, \$19; judges, \$31.86; helpers, etc., \$25.25; total.....	151 11
For race purses (horses).....	857 50
For insurance	25 25
For telegraph, telephone, express and postage.	19 83
For premiums on horses... \$217 00	
For premiums on cattle ... 392 98	
For premiums on sheep ... 332 00	
For premiums on swine ... 68 00	

For premiums on poultry..	\$14 25	
For premiums on farm pro- duce.	50 70	
For premiums on dairy products.....	39 15	
For premiums on domestic.	45 20	
For premiums on flowers..	11 35	
For premiums on fruits...	37 25	
	<hr/>	
Total.	\$1,207 88	
	<hr/>	
Total disbursements		\$4,267 52
		<hr/>
Balance (credit)		\$32 31
		<hr/>

YATES.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$51 38
From gate receipts	\$877 55	
From rent of grounds.....	125 50	
From rent of privileges.....	46 50	
From entries for premiums.....	20 50	
From annual members.....	347 00	
From entries for races (horse).....	105 00	
From bonds issued, notes given or any other obligation	360 00	
From State	1,504 70	
	<hr/>	
Receipts for 1901.....		3,386 75
		<hr/>
Total receipts		\$3,438 13

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$728 10
For permanent improvements.....	52 50
For labor	104 51
For material	60 91

For feed, \$50.84; postage, \$15.80; water, \$3.92; insurance, \$35; tele- graph, \$4.18; express, \$2.10; United States collector, \$8.33; printing, \$110.30; attractions, \$219.25; State Association, \$15; band, \$40; sup- plies, \$5.70; total.....	\$510 42
For salaries: Secretary, \$50; office as- sistants, \$32.50; police, \$18; judges, \$41.20; superintendent, \$15; helpers, etc., \$3.50; total.....	160 20
For race purses (horses).....	515 00
For premiums on horses... \$184 00	
For premiums on cattle... 141 00	
For premiums on sheep... 104 00	
For premiums on swine... 40 00	
For premiums on poultry.. 78 75	
For premiums on farm pro- duce.	89 50
For premiums on domestic. 12 00	
For premiums on flowers.. 223 15	
For premiums on fruits... 98 50	
For premiums on miscella- neous.	44 10
Total.....	1,015 00
Total disbursements	\$3,146 64
Balance (credit)	\$291 49

CUBA FAIR AND RACING ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$21 86
From gate receipts.....	\$531 10
From rent of privileges.....	44 40

For entries for premiums.....	\$190 00	
From entries for races (horse).....	270 00	
From donations to repair buildings..	257 00	
From bonds issued, notes given or any other obligation.....	1,860 00	
From State.....	1,290 35	
		<hr/>
Receipts for 1901.....		\$4,442 85
		<hr/>
Total receipts.....		\$4,464 71

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$1,467 40
For labor and printing.....	301 08
For material.....	224 38
For rent of grounds.....	100 00
For band.....	100 76
For amount paid Union Agricultural Society and postage.....	24 52
For salaries: Secretary, \$100; office assistants, \$24.50; police, \$23.25; judges, \$71.58; helpers, etc., \$20.38; total	239 71
For race purses (horses).....	1,010 00
For premiums on horses... \$211 00	
For premiums on cattle... 252 00	
For premiums on sheep.... 80 00	
For premiums on swine... 43 00	
For premiums on poultry.. 67 75	
For premiums on farm produce	27 00
For premiums on dairy products	6 00
For premiums on domestic. 200 00	
For premiums on imple- ments and machines.....	1 00

For premiums on flowers..	\$31 50	
For premiums on fruits....	14 00	
For premiums on miscel- laneous	20 00	
		<hr/>
Total	\$953 25	
		<hr/>
Total disbursements.....		\$4,421 10
		<hr/>
Balance (credit).....		\$43 61
		<hr/>

WELLSVILLE FAIR ASSOCIATION.

RECEIPTS.

From gate receipts.....	\$3,629 75	
From rent of grounds.....	238 30	
From rent of privileges.....	1,017 00	
From entries for premiums.....	203 22	
From entries for races (horse).....	1,930 00	
From hay and straw.....	240 87	
From donations.....	1,530 00	
From bonds issued, notes given or any other obligation.....	859 25	
From advertising.....	70 75	
		<hr/>
Total receipts.....		\$9,719 14

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$206 60
For permanent improvements.....	1,922 92
For labor.....	410 00
For material, advertising, etc.....	477 73
For special attractions.....	363 00
For hay, straw, etc.....	320 36

For postage	\$30 00	
For salaries: Secretary, \$200; office assistants, \$60; police, \$30; judges, \$97.80; superintendent, \$40; helpers, etc., \$140.20; total.....	568 00	
For race purses (horses).....	4,190 00	
For premiums on horses...	\$187 00	
For premiums on cattle...	310 00	
For premiums on sheep...	117 00	
For premiums on swine...	106 00	
For premiums on poultry..	174 25	
For premiums on farm produce	80 00	
For premiums on dairy products	14 00	
For premiums on domestic.	176 50	
For premiums on flowers..	12 75	
For premiums on fruits...	23 75	
<hr/>		
Total	1,201 25	
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Total disbursements	\$9,689 86	
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Balance (credit).....	\$29 28	
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BINGHAMTON INDUSTRIAL EXPOSITION.

RECEIPTS.

From gate receipts.....	\$4,023 00
From grand stand.....	398 25
From rent of privileges.....	659 50
From entries for premiums.....	693 45
From entries for races (horse).....	715 50
From advertising	7 80
From donations	156 10

From bonds issued, notes given or any other obligation	\$1,146 13	
From State	2,147 17	
	<hr/>	
Total receipts		\$9,946 90

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$1,181 05	
For advertising	545 08	
For labor	176 85	
For material	361 70	
For rent of grounds.....	600 00	
For sundry expenses.....	157 88	
For attractions	1,523 35	
For salaries: Secretary, \$300; office as- sistants, \$224; police, \$143.65; judges, \$68.74; superintendent, \$141.25; total	877 64	
For race purses (horses).....	1,600 00	
For premiums on horses...	\$88 50	
For premiums on cattle...	704 80	
For premiums on sheep...	348 00	
For premiums on swine...	191 50	
For premiums on poultry..	801 10	
For premiums on farm pro- duce.	73 75	
For premiums on dairy products.	10 00	
For premiums on domestic.	387 80	
For premiums on imple- ments and machines...	100 00	
For premiums on flowers..	45 25	
For premiums on fruits...	172 65	
	<hr/>	
Total.....	2,923 35	
	<hr/>	
Total disbursements		9,946 90

FRANKLINVILLE AGRICULTURAL AND DRIVING PARK ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$181 12
From gate receipts.....	\$1,539 55
From rent of privileges.....	265 89
From entries for premiums.....	348 00
From hay and feed.....	3 46
From entries for races (horse).....	323 00
From bonds issued, notes given or any other obligation	2,900 00
From State	1,259 34
<hr/>	
Receipts for 1901.....	6,639 24
<hr/>	
Total receipts	\$6,820 36

DISBURSEMENTS.

For payment of bonds, notes or other obligations.....	\$682 50
For permanent improvements, fence, \$188.91; new Farmers and Mechan- ics' Hall, \$986; total.....	1,174 91
For material and furnishings.....	128 60
For dues, telegrams, postage and mis- cellaneous	154 30
For music, \$107.05; advertising, \$308.68; total	415 73
For special attractions.....	197 50
For salaries: Secretary, \$100; treas- urer, \$50; office assistants, \$62; po- lice, \$20; judges, \$58.75; superin- tendent, \$50; helpers, etc., \$207.53; total.....	547 78
For race purses (horses).....	1,543 50

For premiums on horses...	\$242 00	
For premiums on cattle...	480 00	
For premiums on sheep...	265 00	
For premiums on swine...	307 25	
For premiums on poultry..	196 50	
For premiums on farm pro- duce.	48 25	
For premiums on dairy products.	16 50	
For premiums on domestic.	213 75	
For premiums on imple- ments and machines...	20 00	
For premiums on flowers..	39 75	
For premiums on fruits...	83 50	
For premiums on miscella- neous.	83 00	
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Total	\$1,995 50	
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Total disbursements		\$6,840 32
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Balance (credit)		\$19 96
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AFTON DRIVING PARK.

RECEIPTS.

From gate receipts.....	\$2,080 07	
From rent of grounds.....	75 00	
From rent of privileges.....	409 04	
From entries for premiums.....	162 85	
From check room.....	23 50	
From grand stand.....	273 94	
From assessments.....	36 00	
From State.....	1,463 35	
<hr/>		
Total receipts.....		\$4,523 75

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$132 08	
For payment of bonds, notes or other obligations and interest.....	1,623 62	
For attractions.....	314 00	
For permanent improvements.....	91 87	
For labor.....	168 55	
For printing and advertising.....	175 49	
For music.....	96 40	
For insurance, \$30; office rent and water rent, \$24; total.....	54 00	
For incidentals	30 21	
For salaries: Secretary, \$50; office assistants, \$15; police, \$17; judges, \$37.66; helpers, etc., \$26; total.....	145 66	
For race purses (horses).....	441 25	
For premiums on horses... \$285 50		
For premiums on cattle.... 508 00		
For premiums on sheep.... 138 00		
For premiums on swine.... 68 50		
For premiums on poultry.. 96 00		
For premiums on farm produce	56 50	
For premiums on dairy products	38 70	
For premiums on domestic. 378 20		
For premiums on imple-ments and machines.....	41 75	
For premiums on flowers.. 68 80		
For premiums on fruits.... 35 00		
For premiums on miscel-laneous	17 25	
Total	1,732 20	
Total disbursements		\$5,005 33
Balance (debit)		\$481 58

RIVERSIDE.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$1,580 51
From gate receipts.....	\$1,265 25
From grand stand.....	246 20
From rent of privileges.....	454 91
From entries for premiums.....	10 75
From entries for races (horse).....	127 50
From hay and straw.....	18 45
From advertising in premium list....	82 45
From State.....	1,571 29
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Receipts for 1901.....	3,776 80
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Total receipts.....	\$5,357 31

DISBURSEMENTS.

For dues State Association.....	\$10 10
For expenses delegates State commis- sion and dues.....	32 27
For flowers for funeral of superin- tendent	13 00
For permanent improvements.....	190 34
For printing premium list.....	80 00
For United States revenue tax.....	8 43
For labor.....	381 62
For material.....	314 83
For penalty	50 00
For special attractions.....	265 00
For salaries: Secretary, \$50; office assistants, \$65; police, \$131.75; judges, \$91.50; total.....	338 25
For race purses (horses).....	660 00
For premiums on horses... \$262 00	
For premiums on cattle... 415 00	
For premiums on sheep.... 71 00	
For premiums on swine... 31 00	

For premiums on poultry..	\$121 20
For premiums on farm produce	50 75
For premiums on dairy products	160 11
For premiums on domestic.	331 35
For premiums on, imple- ments and machines.....	19 25
For premiums on flowers..	30 85
For premiums on miscel- laneous	41 80

Total	\$1,534 31
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Total disbursements	\$3,878 15
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Balance (credit).....	\$1,479 16
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COLUMBIA AGRICULTURAL AND HORTICULTURAL
ASSOCIATION.

RECEIPTS.

From gate receipts.....	\$2,889 00
From rent of grounds.....	34 00
From rent of privileges.....	637 75
From entries for premiums.....	235 73
From entries for races (horse).....	442 00
From new stock	80 00
From bonds issued, notes given or any other obligation	252 38
From State	1,450 97

Total receipts	\$6,021 83
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DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$252 38	
For payment of notes.....	324 36	
For interest	190 00	
For advertising and printing.....	402 50	
For labor	442 63	
For material	381 34	
For insurance	142 65	
For miscellaneous expenses	706 55	
For music, \$220; special attractions, \$300; total	520 00	
For salaries: Secretary, \$100; treas- urer, \$25; office assistants, \$78.50; police, \$168; judges, \$17.50; superin- tendent, \$35; helpers, etc., \$196.50; total	620 50	
For race purses (horses).....	1,487 75	
For premiums on horses... \$222 00		
For premiums on cattle... 131 00		
For premiums on sheep... 214 00		
For premiums on swine.... 109 25		
For premiums on poultry.. 145 75		
For premiums on farm pro- duce	78 00	
For premiums on domestic. 87 50		
For premiums on flowers.. 158 00		
For premiums on fruits... 318 00		
For premiums on miscel- laneous	2 00	
Total	1,465 50	
Total disbursements		\$6,936 16
Balance (debit)		\$914 33

CATSKILL MOUNTAIN.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$9 60
From gate receipts	\$959 80
From rent of grounds.....	50 00
From rent of privileges	349 50
From entries for premiums.....	163 01
From State	1,007 27
	<hr/>
Receipts for 1901.....	2,529 58
	<hr/>
Total receipts.....	\$2,539 18

DISBURSEMENTS.

For payment of notes.....	\$50 00
For purchase of land.....	120 00
For labor	152 97
For material	61 35
For printing and advertising.....	184 99
For taxes paid	28 45
For attractions and amusements	503 45
For salaries: Secretary, \$50; treasurer, \$50; police, \$26.25; judges, \$46; superintendent, \$50; helpers, etc., \$27; total	249 65
For race purses (horses).....	97 00
For premiums on horses... \$58 00	
For premiums on cattle.... 249 00	
For premiums on sheep.... 26 00	
For premiums on swine.... 3 00	
For premiums on poultry.. 140 87	
For premiums on farm produce	95 84
For premiums on dairy products	17 50
For premiums on domestic.. 103 77	

For premiums on imple- ments and machines.....	\$6 00	
For premiums on flowers..	25 37	
For premiums on fruits....	56 27	
For premiums on miscel- laneous	128 07	
Total	\$909 69	
Total disbursements		\$2,357 55
Balance (credit)		\$181 63

DELAWARE VALLEY.

RECEIPTS.

From gate receipts.....	\$1,770 48	
From rent of grounds.....	11 00	
From rent of privileges.....	547 00	
From entries for premiums.....	251 75	
From annual members	430 00	
From bonds issued, notes given or any other obligation	1,400 00	
From State	2,155 28	
Total receipts		\$6,565 51

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$3,200 00	
For payment of bonds, notes or other obligations.	3,023 85	
For permanent improvements.....	450 00	
For labor	50 00	
For George W. Payne, deputy collector	33 36	

For salaries: President, \$50; secretary, \$100; treasurer, \$50; office assistants, \$80; police, \$40; judges, \$95; superintendent, \$63; helpers, etc., \$55; total.....	\$533 00	
For premiums on horses...	\$485 50	
For premiums on cattle...	569 24	
For premiums on sheep...	169 50	
For premiums on swine...	115 00	
For premiums on poultry..	181 18	
For premiums on farm produce.	387 11	
For premiums on dairy products.	39 00	
For premiums on domestic.	585 30	
For premiums on implements and machines...	10 50	
For premiums on flowers..	51 10	
For premiums on fruits...	78 68	
For premiums on miscellaneous.	3 19	
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Total.....	2,675 30	
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Total disbursements	\$9,965 51	
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Balance (debit)	\$3,400 00	
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SHAVERTOWN.

RECEIPTS.

Balance on hand at close of fiscal year 1901.....	\$42 29
From gate receipts.....	\$798 18
From rent of privileges.....	189 50

From entries for premiums.....	\$127 00	
From annual members	5 00	
From entries for races (horse).....	30 04	
From entries for races (bicycle or other).	2 00	
From donations	67 02	
<hr/>		
Receipts for 1901.....		\$1,218 74
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Total receipts		\$1,261 03

DISBURSEMENTS.

For rent of grounds.....	\$50 00
For music and attractions.....	105 00
For United States revenue tax.....	9 17
For material	32 68
For printing	106 35
For office expenses.....	18 89
For books and tickets.....	6 14
For salaries: Police, \$14.50; judges, \$12.50; helpers, etc., \$15.35; total..	42 35
For race purses (horses).....	91 00
For race purses (bicycle or other), in- cluding cost of prizes.....	9 50
For premiums on horses... \$113 50	
For premiums on cattle... 137 50	
For premiums on sheep... 39 63	
For premiums on swine... 20 25	
For premiums on poultry.. 86 00	
For premiums on farm pro- duce.	68 64
For premiums on dairy products.....	15 00
For premiums on domestic. 52 85	
For premiums on flowers.. 24 45	
For premiums on fruits... 31 54	

For premiums on miscella- neous	\$42 35	
Total.	\$631 71	
Total disbursements		\$1,102 79
Balance (credit)		\$158 24

PRATTSVILLE HORTICULTURAL AND AGRICULTURAL SOCIETY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$15 26
From gate receipts.....	\$1,126 50	
From rent of grounds.....	64 00	
From rent of privileges.....	296 50	
From entries for races (horse).....	132 50	
Receipts for 1901.....		1,619 50
Total receipts.....		\$1,634 76

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$62 50
For permanent improvements.....	76 43
For labor.....	114 30
For material.....	147 23
For baseball.....	54 00
For balloon.....	90 00
For band.....	60 00
For salaries: Secretary, \$30; treasurer, \$30; office assistants, \$15; police, \$15; judges, \$21; superintendent, \$20; helpers, etc., \$59.25; total.....	190 25

For race purses (horses).....	\$470 00	
For revenue tax.....	9 17	
For premiums on horses...	\$42 00	
For premiums on cattle...	167 00	
For premiums on sheep....	15 00	
For premiums on poultry..	2 00	
For premiums on farm produce	33 00	
For premiums on dairy products	1 50	
For premiums on domestic.	110 75	
For premiums on flowers..	9 00	
For premiums on fruits....	13 00	
<hr/>		
Total	393 75	
<hr/>		
Total disbursements		\$1,667 63
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Balance (debit).....		\$32 87
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CAPE VINCENT.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$242 00	
From gate receipts.....	\$888 25	
From dining hall.....	180 94	
From rent of privileges.....	66 00	
From entries for premiums.....	130 00	
From advertising in premium lists...	161 00	
From share of stock sold.....	5 00	
From entries for races (horse).....	202 45	
From State.....	895 25	
<hr/>		
Receipts for 1901.....		2,528 89
<hr/>		
Total receipts.....		\$2,770 89

DISBURSEMENTS.

For payment of interest.....	\$18 00	
For town fair dues, \$5; N. T. A. dues, \$10; total.....	15 00	
For permanent improvements.....	200 00	
For stands, dining hall and stock.....	198 73	
For labor.....	150 62	
For material.....	72 51	
For printing and postage.....	173 85	
For attractions.....	380 15	
For internal revenue.....	8 33	
For salaries: Secretary, \$50; treas- urer, \$50; office assistants, \$9; police, \$41.37; helpers, etc., \$34.30; total	184 67	
For race purses (horses).....	795 75	
For telegraph and telephone.....	4 78	
For premiums on horses... \$122 50		
For premiums on cattle.... 131 25		
For premiums on sheep... 40 50		
For premiums on swine... 39 75		
For premiums on poultry.. 26 20		
For premiums on farm produce	68 35	
For premiums on dairy products	16 00	
For premiums on domestic. 126 89		
For premiums on flowers.. 14 86		
For premiums on fruits... 27 50		
For premiums on miscel- laneous	11 36	
Total	625 16	
Total disbursements	\$2,827 55	
Balance (debit).....	\$56 66	

BOONVILLE FAIR ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$54 57
From gate receipts	\$3,037 70
From rent of buildings for storage...	5 09
From rent of privileges.....	492 18
From advertisements in premium list..	92 50
From entries for races (horse).....	250 00
From State	1,161 71
Receipts for 1901.....	5,039 18
Total receipts.....	\$5,093 75

DISBURSEMENTS.

For purchase of tent.....	\$50 00
For rent	325 00
For labor	28 92
For material and labor.....	124 37
For music, \$326.10; advertising, \$405.19; messages, \$8.60; attractions, \$729.20; carriages, \$11.25; cartage, \$28.50; miscellaneous, \$168.19; total.	1,677 03
For salaries: President, \$50; secre- tary, \$75; treasurer, \$25; office as- sistants, \$54; police, \$104.25; judges, \$33.90; superintendent, \$12; total...	354 15
For race purses (horses).....	900 00
For race purses (bicycles or other) in- cluding cost of prizes.....	25 00
For premiums on horses...	\$76 00
For premiums on cattle...	376 00
For premiums on sheep.....	22 00
For premiums on swine....	31 00
For premiums on poultry..	80 75
For premiums on farm pro- duce	22 50

For premiums on dairy products	\$15 00	
For premiums on domestic.	349 00	
For premiums on flowers...	43 75	
For premiums on fruits....	13 00	
For premiums on miscellaneous	73 75	
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Total	\$1,102 75	
	<hr/>	
Total disbursements		\$4,587 22
		<hr/>
Balance (credit)		\$506 53
		<hr/> <hr/>

PHOENIX UNION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$519 21
From gate receipts.....	\$1,436 50	
From rent of privileges.....	243 50	
From grand stand.....	168 70	
From entries for races (horse).....	3 75	
From advertising in catalogue.....	55 00	
From donations.....	163 00	
From State.....	890 08	
	<hr/>	
Receipts for 1901.....		2,960 53
		<hr/>
Total receipts.....		\$3,479 74

DISBURSEMENTS.

For permanent improvements.....	\$899 55
For advertising, insurance, special attractions, music, rent, hay, etc.....	986 91
For salaries: Secretary, \$50; treasurer, \$15; office assistants, \$10; police, \$32.50; judges, \$22; superintendent, \$60.75; helpers, etc., \$35.48;	
total	225 73

For race purses (horses).....	\$441 05	
For premiums on horses...	\$174 50	
For premiums on cattle...	165 50	
For premiums on sheep...	31 00	
For premiums on swine...	50 50	
For premiums on poultry..	49 00	
For premiums on farm produce	70 45	
For premiums on dairy products	4 00	
For premiums on domestic.	129 75	
For premiums on imple- ments and machines....	15 00	
For premiums on flowers..	42 75	
For premiums on fruits...	61 25	
For premiums on miscel- laneous	27 00	
Total	820 70	
Total disbursements		\$3,373 94
Balance (credit).....		\$105 80

GORHAM.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$302 61
From gate receipts.....	\$465 70
From rent of privileges.....	49 00
From entries for premiums.....	1 85
From annual members.....	166 00
From entries for races (horse).....	49 40
From advertising.....	109 00
From State.....	1,015 18
Receipts for 1901.....	1,856 13
Total receipts.....	\$2,158 74

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$87 00	
For permanent improvements.....	238 52	
For labor.....	211 86	
For material.....	164 86	
For salaries: Secretary, \$20; treasurer, \$20; office assistants, \$32.50; police, \$17; judges, \$20; total.....	109 50	
For race purses (horses).....	203 10	
For race purses (bicycle or other), including cost of prizes.....	14 00	
For premiums on horses... \$233 00		
For premiums on cattle... 54 50		
For premiums on sheep.... 105 00		
For premiums on swine... 28 00		
For premiums on poultry.. 49 50		
For premiums on farm produce	24 60	
For premiums on dairy products	11 15	
For premiums on domestic. 60 70		
For premiums on implements and machines.... 3 00		
For premiums on flowers.. 34 50		
For premiums on fruits.... 61 75		
For premiums on miscellaneous	61 60	
Total	727 30	
Total disbursements	\$1,755 96	
Balance (credit).....	\$402 78	

NAPLES UNION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$1,229 66
From gate receipts.....	\$890 45
From rent of privileges.....	99 80
From annual members.....	170 00
From oats sold.....	41 00
From advertising in premium list....	69 50
From State	1,108 57
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Receipts for 1901.....	2,379 32
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Total receipts	\$3,608 98

DISBURSEMENTS.

For rent of grounds.....	\$135 00
For attractions	75 00
For labor	215 32
For material	353 53
For printing, \$132.60; base ball, \$105; dues State Association, \$5; board, \$52.50; license, \$8.45; band \$50; total	353 55
For salaries: Secretary, \$40; police, \$18.50; marshal, \$5; total.....	63 50
For race purses (horses).....	433 49
For race purses (bicycle or other) in- cluding cost of prizes.....	60 00
For premiums on horses... \$144 00	
For premiums on cattle... 71 00	
For premiums on sheep... 129 50	
For premiums on swine... 14 00	
For premiums on poultry.. 89 75	
For premiums on farm pro- duce	145 75
For premiums on dairy products	5 00

For premiums on domestic.	\$154 50	
For premiums on imple-		
ments and machines.....	33 75	
For premiums on flowers..	38 50	
For premiums on fruits...	120 50	
For premiums on miscel-		
laneous	24 75	
Total	\$971 00	
Total disbursements		\$2,660 39
Balance (credit)		\$948 59

SANDY CREEK, RICHLAND, ORWELL AND BOYLSTON.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$1,547 64
From gate receipts.....	\$793 80
From rent of grounds.....	41 00
From rent of privileges.....	665 50
From annual members.....	1,997 00
From life members.....	10 00
From entries for races (horse).....	446 50
From grand stand.....	425 00
From hay sold.....	5 00
From State	1,851 48
Receipts for 1901.....	6,235 28
Total receipts	\$7,782 92

DISBURSEMENTS.

For permanent improvements.....	\$626 39
For labor	65 00
For material.....	226 95
For printing and advertising.....	364 14

For music and attractions.....	\$997 00	
For insurance and rent of grounds...	77 00	
For salaries: President, \$25; secre- tary, \$75; treasurer, \$8; office assist- ants, \$102; police, \$114.50; judges, \$133.31; superintendent, \$197.25; helpers, etc., \$6; total.....	661 06	
For race purses (horses).....	804 00	
For 8 per cent. race premiums in treas- urer's hands.....	348 00	
For miscellaneous.....	92 14	
For premiums on horses... \$258 00		
For premiums on cattle... 554 00		
For premiums on sheep... 118 50		
For premiums on swine... 277 00		
For premiums on poultry.. 320 25		
For premiums on farm produce	75 25	
For premiums on dairy products	21 00	
For premiums on domestic.	368 00	
For premiums on imple- ments and machines.....	113 00	
For premiums on flowers.. 57 00		
For premiums on fruits... 32 75		
For premiums on miscel- laneous	39 25	
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Total	2,234 00	
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Total disbursements	\$6,495 76	
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Balance (credit).....	\$1,287 16	
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MORRIS FAIR ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$2,804 33
From gate receipts.....	\$2,920 01
From grand stand.....	308 16
From rent of privileges.....	437 50
From pasturage and hay.....	73 65
From entries for races (horse).....	148 00
From State.....	2,160 08
<hr/>	
Receipts for 1901.....	6,047 40
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Total receipts.....	\$8,851 73

DISBURSEMENTS.

For taxes.....	\$18 12
For music.....	248 00
For attractions.....	300 00
For permanent improvements.....	618 89
For dividends	353 00
For labor.....	321 49
For material.....	334 02
For printing.....	162 16
For salaries: Secretary, \$50; treasurer, \$50; office assistants, \$88; police, \$46.04; judges, \$82.34; superintendent, \$223; helpers, etc., \$64.50; total	603 88
For race purses (horses).....	489 00
For ball game.....	50 00
For premiums on horses... \$267 00	
For premiums on cattle... 814 00	
For premiums on sheep... 189 00	
For premiums on swine... 195 00	
For premiums on poultry.. 152 35	

For premiums on farm produce	\$460 90	
For premiums on dairy products	57 30	
For premiums on domestic.	614 15	
For premiums on imple- ments and machines....	67 00	
For premiums on flowers..	145 10	
For premiums on fruits...	30 10	
For premiums on miscel- laneous	118 55	
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Total	\$3,110 45	
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Total disbursements		\$6,609 01
		<hr/>
Balance (credit).....		\$2,242 72
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ONEONTA UNION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$1,176 81
From gate receipts.....	\$4,015 85	
From rent of grounds.....	207 64	
From rent of privileges.....	701 00	
From entries for premiums.....	992 39	
From premium from New York State Fair Commission	100 00	
From entries for races (horse).....	615 00	
From advertising in premium lists and supplement.....	498 00	
From State.....	3,531 05	
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Receipts for 1901.....		10,660 93
		<hr/>
Total receipts.....		\$11,837 74

DISBURSEMENTS.

For purchase of land.....	\$850 00
For permanent improvements.....	258 67
For labor.....	225 70
For material.....	166 16
For miscellaneous accounts.....	1,370 62
For advertising.....	1,177 57
For hay and grain.....	110 33
For salaries: Secretary, \$100; treasurer, \$25; office assistants, \$32.25; police, \$90.75; judges \$51; superintendent, \$55; helpers, etc., \$44.25; total	398 25
For race purses (horses).....	1,490 00
For legal fees.....	25 00
For premiums on horses... \$320 50	
For premiums on cattle... 1,142 38	
For premiums on sheep.... 219 89	
For premiums on swine... 21 00	
For premiums on poultry.. 360 75	
For premiums on farm produce	270 75
For premiums on dairy products	58 50
For premiums on domestic. 753 97	
For premiums on flowers.. 891 13	
For premiums on fruits... 179 25	
For premiums on miscellaneous	126 01
Total	4,344 13
Total disbursements	\$10,416 43
Balance (credit).....	\$1,421 31

RICHFIELD SPRINGS.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$886 58
From gate receipts.....	\$1,088 55
From rent of building.....	5 00
From rent of privileges.....	321 00
From interest.....	15 25
From other sources.....	10 00
From entries for races (horse).....	190 00
From State.....	1,180 19
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Receipts for 1901.....	2,809 99
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Total receipts.....	\$3,696 57

DISBURSEMENTS.

For permanent improvements.....	\$226 98
For labor.....	150 43
For rent.....	250 00
For merchandise.....	362 52
For printing.....	151 54
For attractions.....	476 25
For salaries: Secretary, \$40; treasurer, \$25; office assistants, \$38; police, \$45; judges, \$28.15; total....	176 15
For race purses (horses).....	520 00
For balance of premium of 1900.....	19 20
For premiums on horses... \$143 00	
For premiums on cattle... 174 00	
For premiums on sheep.... 65 00	
For premiums on swine.... 44 00	
For premiums on poultry.. 44 50	
For premiums on farm produce	44 00
For premiums on dairy products	31 70

For premiums on domestic.	\$172 85	
For premiums on flowers..	21 00	
For premiums on fruits...	27 00	
For premiums on miscel- laneous	111 75	
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Total	\$878 80	
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Total disbursements		\$3,211 87
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Balance (credit).....		\$484 70
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SCHENEVUS VALLEY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$28 51
From gate receipts.....	\$573 75	
From grand stand.....	50 60	
From rent of privileges.....	167 00	
From entries for premiums.....	3 00	
From annual members.....	117 00	
From entries for races (horse).....	77 50	
For bonds issued, notes given or any other obligation.....	2,160 00	
From State.....	1,139 96	
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Receipts for 1901.....		4,288 81
		<hr/>
Total receipts.....		\$4,317 32

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$1,575 25
For rent of land.....	50 00
For permanent improvements.....	64 35
For labor.....	38 33
For material.....	7 42

For miscellaneous	\$81 28	
For music and attractions.....	376 05	
For advertising.....	209 38	
For salaries: Secretary, \$35; treasurer, \$10; office assistants, \$18.75; police, \$15; judges, \$22.38; superintendent, \$22.75; helpers, etc., \$8.21; total	132 09	
For race purses (horses).....	244 50	
For premiums on horses... \$222 00		
For premiums on cattle... 272 50		
For premiums on sheep.... 102 75		
For premiums on swine... 26 75		
For premiums on poultry.. 189 00		
For premiums on farm produce	213 20	
For premiums on dairy products	66 50	
For premiums on domestic. 349 65		
For premiums on implements and machines..... 8 00		
For premiums on flowers.. 21 70		
For premiums on fruits... 57 70		
Total	1,529 75	
Total disbursements	\$4,308 40	
Balance (credit).....	\$8 92	

ROCKLAND COUNTY INDUSTRIAL ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$16 69
From gate receipts.....	\$777 25
From rent of privileges.....	192 43
From entries for premiums.....	9 35

From annual members.....	\$232 00	
From entries for races (horse).....	340 00	
From donations.....	100 00	
From bonds issued, notes given or any other obligation.....	800 00	
From State	878 72	
	<hr/>	
Receipts for 1901.....		\$3,329 75
		<hr/>
Total receipts.....		\$3,346 44

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$812 00	
For permanent improvements.....	60 00	
For labor.....	272 08	
For material.....	278 24	
For salaries: Office assistants, \$52.50; police, \$6; judges, \$56; total.....	114 50	
For race purses (horses).....	907 00	
For premiums on horses... \$94 00		
For premiums on cattle... 120 00		
For premiums on poultry.. 35 75		
For premiums on farm produce	144 75	
For premiums on domestic. 142 85		
For premiums on imple- ments and machines.....	16 00	
For premiums on flowers.. 93 25		
For premiums on fruits... 61 75		
For premiums on miscel- laneous	77 75	
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Total	786 10	
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Total disbursements.....		3,329 92
		<hr/>
Balance (credit).....		\$16 52
		<hr/>

GOUVERNEUR AGRICULTURAL AND MECHANICAL SOCIETY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$67 12
From gate receipts.....	\$3,554 35
From rent of grounds.....	95 00
From rent of privileges.....	566 50
From entries for premiums.....	154 50
From life members.....	170 00
From entries for races (horse).....	1,119 50
From donations.....	4 00
From State.....	1,338 05
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Receipts for 1901.....	7,001 90
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Total receipts.....	\$7,069 02

DISBURSEMENTS.

For payment of bonds, notes or other obligations, principal, \$800; interest, \$192.43; total.....	\$992 43
For labor.....	392 62
For material.....	493 72
For expressage, advertising and sundries	432 77
For music and special attractions....	690 00
For salaries: Secretary, \$125; treasurer, \$50; office assistants, \$46; police, \$158; judges, \$70.95; superintendent, \$50; helpers, etc., \$83.50; total	583 45
For race purses (horses).....	2,079 00
For premiums on horses... \$193 00	
For premiums on cattle... 244 00	
For premiums on sheep.... 30 00	
For premiums on swine... 67 00	

For premiums on poultry..	\$37 50	
For premiums on farm produce	52 25	
For premiums on dairy products	69 63	
For premiums on domestic.	200 75	
For premiums on flowers..	20 25	
For premiums on fruits...	19 25	
For premiums on miscel- laneous	44 50	
Total	\$978 13	
Total disbursements		\$6,642 12
Balance (credit).....		\$426 90

OSWEGATCHIE.

RECEIPTS.

From gate receipts.....	\$3,346 60	
From rent of privileges.....	452 00	
From entries for premiums.....	261 56	
From entries for races (horse).....	434 06	
From donations.....	165 00	
From State.....	1,107 57	
Total receipts.....		\$5,766 79

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$47 37	
For labor.....	233 70	
For attractions.....	1,300 00	

For salaries: Secretary, \$100; treasurer, \$25; office assistants, \$37; police, \$307.75; judges, \$108.94; superintendent, \$50; helpers, etc., \$1,443.88; total	\$2,072 57
For race purses (horses).....	2,236 55
For premiums on horses... \$304 00	
For premiums on cattle... 741 00	
For premiums on sheep... 158 00	
For premiums on swine... 47 00	
For premiums on poultry.. 78 50	
For premiums on farm produce	80 00
For premiums on dairy products	100 00
For premiums on domestic. 193 75	
For premiums on implements and machines..... 42 00	
For premiums on flowers.. 11 50	
For premiums on fruits... 16 50	
For premiums on miscellaneous	99 00
Total	1,871 25
Total disbursements	\$7,761 44
Balance (debit).....	\$1,994 65

RAQUETTE VALLEY AND ST. REGIS VALLEY AGRICULTURAL AND HORTICULTURAL SOCIETY.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$74 49
From gate receipts.....	\$1,621 67
From rent of grounds.....	45 00

From rent of privileges.....	\$484 50	
From entries for premiums.....	316 00	
From entries for premiums collected in 1900.....	35 50	
From annual members.....	177 00	
From life members.....	10 00	
From entries for races (horse).....	1,115 50	
From bonds issued, notes given or any other obligation.....	2,500 00	
From State.....	2,359 17	
From miscellaneous.....	193 99	
		<hr/>
Receipts for 1901.....		\$8,858 33
		<hr/>
Total receipts.....		\$8,932 82

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$170 41
For payment of bonds, notes or other obligations	712 00
For permanent improvements.....	397 24
For labor.....	260 61
For material.....	15 08
For amusements.....	930 00
For printing and advertising.....	464 60
For miscellaneous.....	315 98
For salaries: Secretary, \$100; treas- urer, \$100; office assistants, \$156.50; police, \$150.47; judges, \$47.35; superintendent, \$75; helpers, etc., \$67.50; total.....	696 82
For race purses (horses).....	2,050 00
For premiums on horses... \$419 00	
For premiums on cattle... 1,218 00	
For premiums on sheep.... 161 00	
For premiums on swine... 84 00	
For premiums on poultry.. 205 00	

For premiums on farm produce	\$78 50	
For premiums on dairy products	121 50	
For premiums on domestic.	198 95	
For premiums on imple- ments and machines.....	42 75	
For premiums on flowers..	42 25	
For premiums on fruits...	19 50	
For premiums on miscel- laneous	169 25	
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Total	\$5,759 70	
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Total disbursements		\$8,772 44
		<hr/>
Balance (credit).....		\$160 38
		<hr/> <hr/>

COBLESKILL.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$72 86
From gate receipts.....	\$3,199 20	
From rent of grounds.....	183 00	
From rent of privileges.....	862 50	
From entries for premiums.....	429 80	
From annual members.....	1,554 00	
From miscellaneous.....	30 49	
From entries for races (horse).....	150 00	
From suspensions.....	21 00	
From advertising, etc.....	136 50	
From notes given or any other obliga- tion	1,500 00	
From State.....	3,120 68	
From insurance.....	2,163 55	
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Receipts for 1901.....		13,350 72
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Total receipts		\$13,423 58

DISBURSEMENTS.

For permanent improvements.....	\$4,505 24	
For labor.....	407 32	
For insurance.....	159 36	
For interest.....	169 20	
For printing, postage and miscellaneous expenses.....	844 37	
For salaries: Secretary, \$100; treasurer, \$50; office assistants, \$494.60; judges, \$224.72; superintendent, \$75; total	944 32	
For race purses (horses).....	1,030 00	
For special attractions.....	425 00	
For premiums on horses... \$324 00		
For premiums on cattle... 915 24		
For premiums on sheep... 495 25		
For premiums on swine... 351 12		
For premiums on poultry.. 599 51		
For premiums on farm produce	368 90	
For premiums on dairy products	96 37	
For premiums on domestic. 930 31		
For premiums on fruits... 172 84		
For premiums on miscellaneous	448 93	
Total	4,702 47	
Total disbursements		\$13,187 28
Balance (credit).....		\$236 30

PRATTSBURGH UNION.

RECEIPTS.

From gate receipts.....	\$491 86	
From rent of privileges.....	60 00	
From entries for premiums.....	185 00	
From entries for races (horse).....	22 75	
From advertising in fair book.....	84 25	
From bonds issued, notes given or any other obligation.....	550 00	
		<hr/>
Total receipts.....		\$1,393 86

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$105 83	
For rent of ground.....	75 00	
For balloon.....	75 00	
For labor.....	31 10	
For material.....	22 87	
For hay, straw and grain.....	27 18	
For printing.....	55 00	
For band.....	40 00	
For salaries: Secretary, \$50; office assistants, \$22; police, \$12; judges, \$6; total.....	90 00	
For race purses (horses).....	171 49	
For premiums on horses... \$103 00		
For premiums on cattle... 105 00		
For premiums on sheep... 122 00		
For premiums on swine... 19 00		
For premiums on poultry.. 31 25		
For premiums on farm produce	35 55	
For premiums on dairy products	7 50	
For premiums on domestic.	167 50	

For premiums on flowers..	\$19 25	
For premiums on fruits...	41 50	
For premiums on miscel- laneous	18 75	
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Total	\$670 30	
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Total disbursements		\$1,363 77
		<hr/>
Balance (credit).....		\$30 09
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SOUTHERN STEUBEN.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$203 88
From gate receipts.....	\$531 42	
From rent of privileges.....	70 00	
From entries for premiums.....	101 82	
From entries for races (horse).....	50 00	
From State.....	907 38	
	<hr/>	
Receipts for 1901.....		1,660 62
		<hr/>
Total receipts.....		\$1,864 50

DISBURSEMENTS.

For permanent improvements.....	\$250 00
For labor, advertising, etc.....	236 65
For salaries: Secretary, \$25; treas- urer, \$25; office assistants, \$14; police, \$9; judges, \$10; superintend- ent, \$32; total.....	115 00
For race purses (horses).....	365 00
For premiums on horses...	\$170 00
For premiums on cattle...	155 00
For premiums on sheep....	141 00
For premiums on swine...	56 00
For premiums on poultry..	46 25

For premiums on farm produce	\$31 00	
For premiums on dairy products	2 50	
For premiums on domestic.	71 95	
For premiums on flowers..	7 75	
For premiums on fruits...	19 50	
For premiums on miscel- laneous	47 00	
Total	\$747 95	
Total disbursements		\$1,714 60
Balance (credit).....		\$149 90

NORTHERN TIOGA.

RECEIPTS.

From gate receipts.....	\$1,033 95	
From rent of grounds.....	3 00	
From rent of privileges.....	331 25	
From grand stand.....	200 30	
From hay sold.....	2 50	
From advertising.....	220 45	
From entries for races (horse).....	375 00	
From donations.....	151 00	
From notes given.....	1,200 00	
From State.....	1,605 80	
Total receipts.....		\$5,123 25

DISBURSEMENTS.

For payment of bonds, notes or other obligations, \$200; interest, \$7; due treasurer, \$4.84; total.....	\$211 84
For rent of grounds.....	205 00
For permanent improvements.....	200 00

For forage	\$193 19
For labor.....	245 92
For material.....	84 50
For dues, \$15; supplies, \$101.22; revenue, \$8.42; supplies, \$110; total....	234 64
For insurance, \$7.50; expenses, \$115.20; printing, \$171.75; total....	294 45
For baseball, \$133.75; band, \$70; attractions, \$435; total.....	638 75
For salaries: Secretary, \$50; judges, \$78.21; helpers, etc., \$26.50; total..	154 71
For race purses (horses).....	850 00
For premiums on horses... \$141 50	
For premiums on cattle... 381 50	
For premiums on sheep.... 135 25	
For premiums on swine.... 39 50	
For premiums on poultry.. 342 50	
For premiums on farm produce	95 55
For premiums on dairy products	23 00
For premiums on domestic. 368 05	
For premiums on implements and machines....	31 00
For premiums on flowers.. 36 50	
For premiums on fruits... 84 20	
For premiums on miscellaneous	102 75

Total	1,781 30
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Total disbursements	\$5,094 30
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Balance (credit).....	\$28 95
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DRYDEN.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$214 42
From gate receipts.....	\$2,026 25	
From grand stand.....	456 52	
From rent of privileges.....	668 50	
From entries for premiums.....	208 25	
From miscellaneous.....	84 86	
From entries for races (horse).....	600 00	
From advertising.....	686 75	
From bonds issued, notes given or any other obligation.....	1,500 00	
From State	2,247 80	
Receipts for 1901.....		8,478 93
Total receipts.....		\$8,693 35

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$1,493 35
For purchase of land.....	94 90
For permanent improvements.....	308 46
For labor.....	169 62
For material.....	544 25
For advertising, \$950.18; miscellane- ous, \$264.88; total.....	1,215 06
For attractions.....	600 45
For salaries: Secretary, \$100; treas- urer, \$100; office assistants, \$45; police, \$76.75; judges, \$100.70; super- intendent, \$39.75; helpers, etc., \$161.57; total.....	623 77
For race purses (horses).....	1,490 00
For premiums on horses....	\$150 00
For premiums on cattle....	537 50
For premiums on sheep....	138 00

For premiums on swine....	\$96 00	
For premiums on poultry..	503 25	
For premiums on farm produce	149 50	
For premiums on dairy products	21 00	
For premiums on domestic.	559 40	
For premiums on flowers..	38 20	
For premiums on fruits...	35 75	
For premiums on miscel- laneous	252 65	
Total	\$2,481 25	
Total disbursements		\$9,021 11
Balance (debit).....		\$327 76

UNION AGRICULTURAL AND HORTICULTURAL SOCIETY
(TRUMANSBURGH).

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$489 62
From gate receipts.....	\$1,483 04	
From grand stand.....	192 60	
From rent of privileges.....	208 00	
From entries for races (horse).....	45 00	
From donations.....	355 27	
From miscellaneous.....	101 11	
From State.....	1,321 48	
Receipts for 1901.....		3,706 50
Total receipts.....		\$4,196 12

DISBURSEMENTS.

For permanent improvements.....	\$88 18
For labor.....	89 32
For rent of grounds.....	125 00

For advertising	\$237 25	
For sundry expenses.....	708 92	
For salaries: Secretary, \$25; office assistants, \$8; police, \$55; judges, \$13.50; superintendent, \$15; helpers, etc., \$26.75; total.....	143 25	
For race purses (horses).....	532 50	
For premiums on horses... \$166 00		
For premiums on cattle... 81 50		
For premiums on sheep.... 124 00		
For premiums on swine.... 52 00		
For premiums on poultry.. 54 50		
For premiums on farm produce	21 00	
For premiums on domestic. 177 05		
For premiums on flowers.. 20 00		
For premiums on fruits... 48 00		
For premiums on miscel- laneous	439 27	
Total	1,183 32	
Total disbursements		\$3,107 74
Balance (credit).....		\$1,088 38

NEWARK FAIR ASSOCIATION.

RECEIPTS.

From gate receipts.....	\$1,133 25	
From rent of privileges.....	143 25	
From entries for premiums.....	133 00	
From grand stand.....	26 85	
From entries for races (horse).....	99 50	
From State.....	989 83	
Total receipts.....		\$2,525 68

DISBURSEMENTS.

Balance due at close of fiscal year 1900	\$1,089 01	
For band.....	49 00	
For permanent improvements.....	14 65	
For attractions.....	30 00	
For labor.....	184 12	
For material.....	35 15	
For rent of barn and tents.....	25 00	
For hay and straw.....	32 36	
For telephone and water rent.....	8 15	
For salaries: Secretary, \$50; office assistants, \$17.50; police, \$7; total.	74 50	
For race purses (horses).....	360 00	
For premiums on horses... \$317 25		
For premiums on cattle... 250 00		
For premiums on sheep.... 148 50		
For premiums on swine.... 89 00		
For premiums on poultry.. 102 50		
For premiums on farm produce	109 00	
For premiums on dairy products	4 75	
For premiums on domestic.	221 65	
For premiums on imple- ments and machines.....	42 50	
For premiums on flowers.. 8 50		
For premiums on fruits... 151 75		
For premiums on miscel- laneous	2 75	
Total	1,448 15	
Total disbursements	\$3,350 09	
Balance (debit).....	\$824 41	

PALMYRA UNION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$3,246 34
From rent of grounds.....	\$71 00
From rent of privileges.....	209 86
From annual members.....	1,895 92
From donations.....	5 00
From State.....	1,304 43
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Receipts for 1901.....	3,486 21
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Total receipts.....	\$6,732 55

DISBURSEMENTS.

For permanent improvements.....	\$208 11
For labor.....	640 44
For material.....	1,578 06
For band, \$45; ash wood, \$75; hay and straw, \$25; water, \$8; total.....	153 00
For painting, \$65.61; printing, \$62.25; insurance, \$70.63; revenue tax, \$8.35; total	206 84
For delegate's expenses, \$26.18; annual dues, \$5; sundries, \$13.56; total	44 74
For salaries: President, \$20; secretary, \$25; treasurer, \$25; office assistants, \$48.50; police, \$8; judges, \$28.50; superintendent, \$31; helpers, etc., \$18; total.....	204 00
For race purses (horses).....	294 00
For premiums on horses...	\$282 00
For premiums on cattle...	292 00
For premiums on sheep...	248 00
For premiums on swine...	109 00
For premiums on poultry..	179 25
For premiums on farm produce	135 25

For premiums on dairy products	\$6 00	
For premiums on domestic.	175 25	
For premiums on imple-ments and machines....	66 00	
For premiums on flowers .	28 50	
For premiums on fruits...	58 50	
For premiums on miscel-laneous	128 50	
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Total	\$1,708 25	
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Total disbursements		\$5,037 44
		<hr/>
Balance (credit).....		\$1,695 11
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SILVER LAKE AGRICULTURAL AND MECHANICAL ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....		\$1,058 92
From gate receipts.....	\$1,216 65	
From rent of grounds.....	50 00	
From rent of privileges.....	175 00	
From grand stand.....	158 55	
From entries for races (horse).....	193 75	
From State.....	959 44	
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Receipts for 1901.....		2,753 39
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Total receipts.....		\$3,812 31

DISBURSEMENTS.

For payment of bonds, notes or other obligations	\$636 00
For special attractions.....	305 00
For permanent improvements.....	386 07
For printing, \$81; hay \$32.75; total...	113 75

For labor	\$80 20	
For sundries, insurance, expressage, advertising, State dues.....	136 28	
For salaries: Secretary, \$50; treas- urer, \$25; office assistants, \$16; police, \$16.25; judges, \$30; helpers, etc., \$12; total.....	149 25	
For race purses (horses).....	592 00	
For premiums on horses... \$378 00		
For premiums on cattle... 352 00		
For premiums on sheep.... 319 00		
For premiums on swine... 112 00		
For premiums on poultry.. 121 00		
For premiums on farm produce	9 00	
For premiums on dairy products	8 00	
For premiums on flowers.. 4 00		
For premiums on fruits... 7 50		
For premiums on miscel- laneous	109 50	
Total	1,420 00	
Total disbursements	\$3,818 55	
Balance (debit).....	\$6 24	

DUNDEE FAIR ASSOCIATION.

RECEIPTS.

Balance on hand at close of fiscal year 1900.....	\$1,460 14
From gate receipts.....	\$930 94
From rent of grounds.....	78 50
From interest.....	72 00
From entries for races (horse).....	62 50

From donations	\$133 00	
From State.....	1,098 14	
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Receipts for 1901.....		\$2,375 08
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Total receipts.....		\$3,835 22

DISBURSEMENTS.

For members withdrawn from association	\$1,288 58	
For labor.....	67 85	
For material.....	222 65	
For miscellaneous, attorneys' fees and disbursements	88 68	
For amusements.....	109 90	
For rent of grounds.....	295 75	
For salaries: Secretary, \$50; treasurer, \$25; office assistants, \$80; police, \$37; judges, \$21; superintendent, \$29; helpers, etc., \$11; total.	253 00	
For race purses (horses).....	445 00	
For premiums on horses...	\$86 00	
For premiums on cattle...	94 00	
For premiums on sheep...	72 00	
For premiums on swine...	20 00	
For premiums on poultry..	92 00	
For premiums on farm produce	90 50	
For premiums on domestic.	291 00	
For premiums on flowers..	31 50	
For premiums on fruits...	49 75	
For premiums on miscellaneous	20 60	
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Total	847 35	
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Total disbursements.....		3,618 76
		<hr/>
Balance (credit).....		\$216 46
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AGRICULTURAL LAW.

1893-1902.

AGRICULTURAL LAW.*

CHAPTER 338.

AN ACT in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws.

Approved by the Governor April 10, 1893. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER XXXIII OF THE GENERAL LAWS.

THE AGRICULTURAL LAW.

- Article 1. General provisions. (§§ 1-12.)
2. Dairy products. (§§ 20-37.)
3. Adulterated vinegar. (§§ 50-53.)
4. Diseases of domestic animals. (§§ 60-70g.)
5. Sugar beet culture. (§§ 71-76.)
6. Miscellaneous provisions. (§§ 77-92.)
7. Laws repealed. (§§ 100, 101.)
8. Prevention of fraud in sale of Paris green. (§§ 110-114.)
9. Sale and analysis of commercial feeding stuffs. (§§ 120-127.)
10. State fair. (§§ 140-146.)

ARTICLE I.

GENERAL PROVISIONS.

- Section 1. Short title.
2. Commissioner of agriculture.
3. Power of commissioner, his assistants and employees.
4. Expert butter and cheesemakers.
5. Annual report.

* Chapter 338 of the Laws of 1893 consisted of five articles. Articles four to ten have been enacted since April 10, 1893, and were not, therefore, a part of the present law.

- Section 6. Certificate of chemist presumptive evidence.
7. Evidence; principal's liability for acts of agent.
 8. Prosecution for penalty.
 9. Disposal of fines and moneys recovered.
 10. When injunction may be obtained.
 11. When prosecution shall not be compelled to elect.
 12. Inspection, how conducted.

§ 1. **Short title.**—This chapter shall be known as the agricultural law.

§ 2. **Commissioner of agriculture.**—There shall be a department of the state government known as the department of agriculture, which shall be charged with the execution of the laws relating to agriculture and agricultural products. The commissioner of agriculture shall be the chief of the department. The New York state dairy commissioner shall be the commissioner of agriculture until his successor shall be appointed and qualified. The commissioner of agriculture shall be appointed by the governor, by and with the advice and consent of the senate. His term of office shall be three years. He shall be paid an annual salary of four thousand dollars and his necessary expenses not to exceed five hundred dollars, incurred in the discharge of his official duties. He may appoint a director of farmers' institutes and such clerks and assistant commissioners and employ such clerks, chemists, agents and counsel as he may deem necessary for the proper enforcement of such laws and the proper administration of the department, who shall receive such compensation as may be fixed by him and their necessary expenses. The compensation of his clerks, assistants and other persons employed by him and such necessary expenses shall be paid on his certificate by the treasurer on the warrant of the comptroller. All other charges, accounts and expenses of the department authorized by law shall be paid by the treasurer on the warrant of the comptroller, after they have been audited and allowed by the comptroller. The trustees of public buildings shall furnish suitable rooms for the use of the department in the new capitol.

§ 3. Powers of the commissioners,* his assistant and employes.—The commissioner of agriculture, his clerks, assistants, experts, chemists, agents and counsel employed by him, shall have full access to all places of business, factories, farms, buildings, carriages, cars and vessels used in the manufacture, sale or transportation within the state of any dairy products or any imitation thereof, or of any article or product with respect to which any authority is conferred by this chapter on such commissioner. They may examine and open any package, can or vessel containing or believed to contain any article or product, which may be manufactured, sold or exposed for sale in violation of the provisions of this chapter, and may inspect the contents therein, and take therefrom samples for analysis.

§ 4. Expert butter and cheesemakers.—The commissioner of agriculture may appoint and employ not more than five expert butter and cheesemakers, who shall, under his direction, examine and inspect butter and cheese factories and attend at agricultural fairs, societies and meetings designated by the commissioner, to impart thereat information as to the best and most approved method of making butter and cheese and improving the quality thereof.

§ 5. Annual report.—The commissioner of agriculture shall make an annual report to the legislature on or before January fifteenth, of his work and proceedings for the year ending September thirtieth, next preceding which shall include a statement in detail of the number of assistant commissioners, chemists, experts, agents, and counsel employed under the provisions of this chapter during such year, and their compensation, expenses and disbursements; and also a statement in detail of the expenditures of moneys appropriated for the state agricultural society, the county agricultural societies and the New York agricultural experiment station; and other agricultural purposes and estimates of the amounts required for all such purposes for

*So in the original.

the ensuing year. He may require the state agricultural society and the county agricultural societies to make reports to him and prescribe the form of such reports.

§ 6. **Certificate of chemist presumptive evidence.**—Every certificate, duly signed and acknowledged, of a chemist, analyst or other expert employed by the commissioner of agriculture or any analysis, examination or investigation made by such analyst, chemist or expert with respect to any matter or product which the commissioner has authority to examine or cause to be examined, shall be presumptive evidence of the facts therein stated.

People v. Kibler, 106 N. Y. 321.

People v. West, Id. 293.

People v. Schaeffer, 41 Hun, 23.

People v. Mahaney, Id. 26.

People v. Eddy, 12 N. Y. Supp. 628.

People v. Thompson, 14 Id. 819.

§ 7. **Evidence; principal's liability for act of agent.**—The doing of anything prohibited by this chapter shall be evidence of the violation of the provisions of this chapter relating to the thing so prohibited and the omission to do anything directed to be done shall be evidence of a violation of the provisions of the chapter relative to the thing so directed to be done. The intent of any person doing or omitting to do any such act is immaterial in any prosecution for a violation of the provisions of this chapter. Any person who suffers, permits or allows any violation of the provisions of this chapter by his agent or servant, or in any room or building occupied or controlled by him, shall be deemed a principal in such violation and liable accordingly.

Electric Power Co. v. Metropolitan Telephone and Telegraph Co., 75 Hun, 68; s. c., 75 State Rep. 57; 27 N. Y. Supp. 93.

§ 8. **Prosecution for penalties.**—Whenever the commissioner of agriculture shall know or have reason to believe that any penalty has been incurred by any person for a violation of any of

the provisions of this chapter, or that any sum has been forfeited by reason of any such violation, he may cause an action or proceeding to be brought in the name of the people for the recovery of the same.

People v. Briggs & McQuade, 114 N. Y. 56.

People v. Belknap, 58 Hun, 241.

People v. Hodnet, 81 Id. 137.

People v. Lamb, 85 Id. 171.

People v. Salisbury, 2 App. Div. 39; s. c., 151 N. Y. 663.

§ 9. Disposal of fines and moneys recovered.—One half of all money recovered, either as penalties, forfeitures or otherwise, for the violation of any of the provisions of this chapter, and from fines imposed as a punishment for any criminal offense committed in violation of the provisions of this chapter, or of the penal code relating to the punishment of criminal offenses committed in violation of the provisions of law for the prevention of frauds in the manufacture or sale of any of the articles or products to which this chapter relates, shall be paid by the court or the clerk thereof to the city or county where the recovery shall be had or fine collected for the benefit of the poor of such city or county, except in the city and county of New York and the city of Brooklyn, where the same shall be paid to the proper authorities, and equally divided by them between the pension funds of the police and fire departments. The residue of such moneys shall be paid into the treasury of the state, and paid out by the treasurer, upon the warrant of the comptroller, for the purpose of defraying the expenses of the department of agriculture, audited by the comptroller. The same disposal shall be made of all moneys recovered upon any bond given by any officer by virtue of the provisions of this chapter.

§ 10. When injunctions may be obtained.—In an action in the supreme court for the recovery of a penalty or forfeiture incurred for the violation of any of the provisions of this chapter an application may be made on the part of the people to the court or any justice thereof for an injunction to restrain the

defendant, his agents and employes from the further violation of such provisions. The court or justice to whom such application may be made, shall grant such injunction on proof, by affidavit, that the defendant has been guilty of the violations alleged in the complaint, or of a violation of any such provision subsequent to the commencement of the action, and in the same manner as injunctions are usually granted under the rules and practice of the court. No security on the part of the plaintiff shall be required, and costs of the application may be granted or refused in the discretion of the court or justice. If the plaintiff shall recover judgment in the action for any penalty or forfeiture demanded in the complaint, the judgment shall contain a permanent injunction, restraining the defendant, his agents and employes, from any further violation of such provision of this chapter. Any injunction, order or judgment obtained under this section may be served on the defendant by posting the same upon the outer door of the defendant's usual place of business, or where such violation was or may be committed, or in the manner required by the code of civil procedure, and the rules and practice of the court. Personal service of the injunction shall not be necessary when such service cannot be secured with reasonable diligence, but the service herein provided shall be deemed sufficient in any proceeding for the violation of such injunction.

People v. Bouchard, 6 Misc. Rep. 459.

People v. Windholz, 68 App. Div. 552.

§ 11. When prosecution shall not be compelled to elect.—In an action for a penalty or forfeiture incurred by reason of the violation of the provisions of this chapter, when the complaint charges a violation of any two or all of such provisions, the plaintiff shall not be compelled to elect between the counts under such different provisions, but shall be entitled to recover if it is found that a violation of any one of such provisions has been committed for which a penalty or forfeiture is imposed.

People v. Briggs & McQuade, 114 N. Y. 56.

§ 12. **Inspection, how conducted.**—When the commissioner of agriculture, an assistant commissioner, or any person or officer authorized by the commissioner, or by this chapter, to examine or inspect any product manufactured or offered for sale shall in discharge of his duties take samples of such product, he shall before taking a sample, request the person delivering the milk or who has charge of it at the time of inspection, to thoroughly stir or mix the said milk before the sample is taken. If the person so in charge refuses to stir or mix the milk as requested, then the person so requesting shall himself so stir and mix the milk before taking the sample, and the defendant shall thereafter be precluded from introducing evidence to show that the milk so taken was not a fair sample of the milk delivered, sold, offered or exposed for sale by him. The person taking the sample of milk for analysis shall take duplicate samples thereof in the presence of at least one witness, and he shall in the presence of such witness seal both of such samples, and shall tender, and, if accepted, deliver at the time of taking one sample to the manufacturer or vendor of such product, or to the person having custody of the same, with a statement in writing of the cause of the taking of the sample. In taking samples of milk for analysis at a creamery, factory, platform or other place where the same is delivered by the producer for manufacture, sale or shipment, or from a milk vendor who produces the milk which he sells, with a view of prosecuting the producer of such milk for delivering, selling or offering for sale adulterated milk, the said commissioner of agriculture or assistant or his agent or agents shall within ten days thereafter, with the consent of said producer, take a sample in a like manner of the mixed milk of the herd of cows from which the milk first sampled was drawn and shall deliver the duplicate sample to the said producer and shall cause the sample taken by himself or his agent to be analyzed. If the sample of milk last taken by the commissioner of agriculture or his agent or agents shall upon analysis prove to contain no higher percentage of milk solids, or no higher percentage of fat than as the sample taken at the creamery, factory, plat-

form or other place, then no action shall lie against the said producer for violation of subdivisions one, two, three, seven and eight of section twenty of the agricultural law. In taking a second sample as above set forth from the mixed milk of the herd, it shall be the duty of the commissioner of agriculture to have an assistant, agent or agents present during the entire time in which the said cattle are being milked to observe closely so as to be sure that the milk thus to be sampled is not adulterated and to see that it is thoroughly mixed so that the sample taken shall be a fair sample of the average quality of the mixed milk of the entire dairy or herd of cows of said producer. If, however, the said producer refuses to allow such examination of the milk produced by his dairy then he shall be precluded from offering any evidence whatever tending to show that the milk delivered by him at the said creamery, factory, platform or other place was just as it came from the cow. If the said producer does permit such examination the commissioner of agriculture shall, upon receiving application therefor, send to said producer a copy of the analysis of each of the samples of milk so taken and analyzed as above provided. (*As amended by chapter 557 of the Laws of 1898.*)

People v. Wiard, 61 App. Div. 612; 170 N. Y. 30.

ARTICLE II.

DAIRY PRODUCTS.

Section 20. Definitions.

21. Care and feed of cows.
22. Prohibition of the sale of adulterated milk.
23. Regulations in regard to butter and cheese factories.
24. Cans to be branded with name of county.
25. Regulations in regard to condensed milk.
26. Manufacture and sale of imitation butter prohibited.
27. Manufacture or mixing of animal fats with milk, cream or butter prohibited.
28. Prohibited articles not to be furnished for use.
29. Use of coloring matter prohibited.
30. Manufacture and sale of imitation cheese prohibited.
31. When prohibitions do not apply to skim milk or skim cheese.

Section 32. Packages to be branded with name of maker.

33. Manufacturer's brand of cheese.

34. Use of false brand prohibited.

35. County trade-marks.

36. Object and intent of this article.

37. Penalties.

Section 20. Definitions.—The terms, butter and cheese, when used in this article, mean, the products of the dairy, usually known by those terms, which are manufactured exclusively from pure, unadulterated milk or cream or both, with or without salt or rennet, and with or without coloring matter or sage. The terms oleomargarine, butterine, imitation butter or imitation cheese, shall be construed to mean any article or substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, or any such article or substance into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter or butter in any condition or state, or any oil thereof has been introduced to take the place of cream. The term, adulterated milk, when so used, means:

1. Milk containing more than eighty-eight per centum of water or fluids.

2. Milk containing less than twelve per centum of milk solids.

3. Milk containing less than three per centum of fats.

4. Milk drawn from cows within fifteen days before and five days after parturition.

5. Milk drawn from animals fed on distillery waste or any substance in a state of fermentation or putrefaction or on any unhealthy food.

6. Milk drawn from cows kept in a crowded or unhealthy condition.

7. Milk from which any part of the cream has been removed.

8. Milk which has been diluted with water or any other fluid, or to which has been added or into which has been introduced any foreign substance whatever.

All adulterated milk shall be deemed unclean, unhealthy, impure and unwholesome. The terms, pure milk or unadulterated milk, when used singly or together mean sweet milk not adulterated, and the terms pure cream or unadulterated cream, when used singly or together mean cream taken from pure and unadulterated milk.

People v. Cipperly, 101 N. Y. 634; s. c. (dissenting opinion), 37 Hun, 324.

People v. Schaeffer, 41 Id. 23.

People v. Kibler, 106 N. Y. 321.

People v. West, Id. 293.

People v. Eddy, 12 N. Y. Supp. 628.

§ 21. **Care and feed of cows.**—No person shall keep cows, for the production of milk for market or for sale or exchange, or for manufacturing the milk or cream from the same into any article of food, in a crowded or unhealthy condition, or feed any such cows on distillery waste or on any substance in the state of putrefaction or fermentation, or upon any food that is unhealthy or that produces impure, unhealthy, diseased or unwholesome milk. But this section shall not be construed to prohibit the feeding of ensilage.

§ 22. **Prohibition of the sale of adulterated milk.**—No person shall sell or exchange, or offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored, or unwholesome cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream or manufacture from any such milk or cream any article of food. (*As amended by chapter 101 of the Laws of 1900.*)

People v. Cipperly, 101 N. Y. 634; s. c. (dissenting opinion), 37 Hun, 324.

People v. Schaeffer, 41 Id. 23.

People v. Kibler, 106 N. Y. 321.

People v. West, Id. 293.

People v. Eddy, 12 N. Y. Supp. 628.

§ 23. Regulations in regard to butter and cheese factories.—No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk diluted with water, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any of the cream has been taken, except pure skim milk to skim-cheese factories. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk from which there has been kept back any part of the milk commonly known as strippings, or any milk that is sour, except pure skim milk to skim-cheese factories. The owner or proprietor or the persons having charge of any butter or cheese factory, not buying all the milk used by him, shall not use for his own benefit, or allow any of his employes or any other person to use for his own benefit, any milk, cream, butter or cheese or any other product thereof, brought to such factory, without the consent of the owners of such milk or the products thereof. Every butter or cheese manufacturer not buying all the milk he uses, shall keep a correct account of all the milk daily received, of the number of packages of butter and cheese made each day, and the number of packages and aggregate weight of cheese and butter disposed of each day; which account shall be open to inspection to any person who delivers milk to such factory. Whenever manufacturers of butter or cheese purchase milk upon the basis of the amount of fat contained therein and use for ascertaining the amount of such fat what is known as the Babcock test, the bottles used in such test shall before use be examined by the director of the Geneva Experimental Station. If such bottles are found to be properly constructed and graded so as to accurately show the amount of fat contained in milk, each of them shall be legibly and indelibly marked "S. B." No bottle shall be so marked except as herein provided nor shall be used in any such test by such manufacturers, unless so examined and marked. The acid used in making such test by such manufacturers shall be examined from time to time by competent chemists employed by the commissioner of agriculture and if found not to be of sufficient strength the use of such acid shall

be prohibited. The commissioner of agriculture or persons employed by him for that purpose may at any time assist in mailing tests of milk received at a butter or cheese factory for the purpose of determining the efficiency of tests usually made at such factory. All persons using other than standard bottles or acid which is not of the required strength to accurately determine the amount of fats in milk, shall be subject to the penalties prescribed by section thirty-seven of this article, and shall be guilty of a misdemeanor. (*As amended by chapter 544 of the Laws of 1900.*)

§ 24. No person or persons shall hereafter, without the consent of the owner or owners, shipper or shippers, use, sell, dispose of, buy or traffic in any milk can or cans, cream can or cans belonging to any dealer or dealers, shipper or shippers of milk or cream residing in the state of New York or elsewhere, who may ship milk or cream to any city, town or place within this state, having the name or initials of the owner or owners, dealer or dealers, shipper or shippers, stamped, marked or fastened on such can or cans, or wilfully mar, erase or change by remarking or otherwise said name or initials of any such owner or owners, dealer or dealers, shipper or shippers, so stamped, marked or fastened upon said can or cans. Nor shall any person or persons without the consent of the owner use such can or cans for any other purpose than for milk or cream; nor shall any person or persons without the consent of the owner place in any such can or cans any substance or substances, product or products other than milk or cream. (*As amended by chapter 375 of the Laws of 1901.*)

People v. West, 106 N. Y. 293.

People v. Hodnet, 68 Hun, 341; 22 N. Y. Supp. 809.

People v. Eddy, 12 Id. 628.

§ 25. Regulations in regard to condensed milk.—No condensed milk shall be made or offered or exposed for sale or exchange unless manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk from which the cream has not been

removed either wholly or in part, or unless the proportion of milk solids shall be in quantity the equivalent of twelve per centum of milk solids in crude milk, and of which solids twenty-five per centum shall be fats. No person shall manufacture, sell or offer for sale or exchange in hermetically sealed cans, any condensed milk unless put up in packages upon which shall be distinctly labeled or stamped the name of the persons or corporation by whom made and the brand by which or under which it is made. When condensed milk shall be sold from cans or packages not hermetically sealed, the vendor shall brand or label such cans or packages with the name of the manufacturer of the milk contained therein. (*As amended by chapter 143 of the Laws of 1894.*)

§ 26. **Manufacture and sale of imitation butter prohibited.**—No person by himself, his agents or employes, shall produce or manufacture out of or from any animal fats or animal or vegetable oils not produced from unadulterated milk or cream from the same, the article known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure, unadulterated milk or cream of the same; or mix, compound with or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor sell, keep for sale or offer for sale any article, substance, or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, offering or exposing for sale any commodity or substance in imitation or semblance of butter the product of the dairy, shall be deemed guilty of a violation of the agricultural law, whether he sells such commodity or substance as butter, oleomargarine or under any other name or

designation whatsoever and irrespective of any representations he may make relative to such commodity or substance. Any dealer in any article or product, the manufacture or sale of which is prohibited by this act, who shall keep, store or display such article or product, with other merchandise or stock in his place of business, shall be deemed to have the same in his possession for sale. (*As amended by chapter 385 of the Laws of 1902.*)

People v. Marx, 99 N. Y. 377.

People v. Arensberg, 40 Hun, 358; s. c., reversed, 103 N. Y. 388; 105 Id. 123.

People v. Bremer, 69 App. Div. 14.

People v. Hill, 44 Hun, 472.

People v. Kerin, 39 Hun, 631; 4 Crim. Rep. 140.

People v. Laning, 40 App. Div. 227; 59 N. Y. Supp. 1057.

People v. Mahaney, 41 Hun, 26.

People v. Meyer, 44 App. Div. 1.

Powell v. Commonwealth of Pennsylvania, 114 Penn. St. 265; 127 U. S. 678.

Plumley v. Commonwealth of Massachusetts, 155 U. S. 461; 15 Sup. Ct. Rep. 154.

Waterbury v. Egan, 3 Misc. Rep. 355; 52 State Rep. 421; 23 N. Y. Supp. 115.

Waterbury v. Newton, 50 N. J. L. 534.

§ 27. **Manufacture or mixing of animal fats with milk, cream or butter prohibited.**—No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such intent; nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced, be sold as and for butter or cheese, the product of the dairy. No person shall coat, powder or color with annatto or any coloring matter whatever, butterine or oleomargarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal

or vegetable oils not produced from unadulterated milk or cream by means of which such product, manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with intent to sell the same nor shall he sell or offer to sell the same. No person by himself, his agents or employees, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock or other butter or both and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream or other milk product and rechurning the said mixture, or that is produced by any similar process and is commonly known as boiled or process butter, unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a conspicuous place with the words "renovated butter." If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said prints or rolls shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "renovated butter." If the same is packed in tubs or boxes or pails or other kind of a case or package the words "renovated butter" shall be printed on the top and side of the same in letters, at least, one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale, uncovered, not in a package or case, a placard containing the label so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. No person shall sell, offer or expose for sale, any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the agricultural law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the agricultural

law shall be guilty of a violation of this act. (*As amended by chapter 534 of the Laws of 1900.*)

People v. Arensberg, 40 Hun, 358; s. c., reversed, 103 N. Y. 388; 105 Id. 123.

People v. Biersecker, 169 Id. 53.

People v. Kerin, 39 Hun, 631.

People v. Mahaney, 41 Id. 26.

People v. Hill, 44 Id. 472.

Powell v. Commonwealth of Pennsylvania, 114 Penn. St. 265; 127 U. S. 678.

Plumley v. Commonwealth of Massachusetts, 155 U. S. 461; 15 Sup. Ct. Rep. 154.

Waterbury v. Newton, 50 N. J. L. 534.

§ 28. **Prohibited articles not to be furnished.**—No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter or place of public entertainment, or any person having charge thereof or employed thereat, or any person furnishing board for any others than members of his own family, or for any employes where such board is furnished for a compensation or as part of the compensation of any such employe, shall keep, use or serve therein either as food for his guests, boarders, patrons, customers or employes or for cooking purposes any article or substance made in violation of the provisions of this article.

People v. Fox, 4 App. Div. 38; 74 State Rep. 500; 38 N. Y. Supp. 635.

§ 29. **Use of coloring matter prohibited.**—No person manufacturing with intent to sell any substance or article in imitation or semblance of butter or cheese not made exclusively from unadulterated milk or cream or both, with salt or rennet or both and with or without coloring matter or sage, but into which any animal, intestinal or offal fats, or any oils or fats or oleaginous substance of any kind not produced from from* pure, unadulterated milk or cream, or into which melted butter, or butter in any condition or state or any modification of the same, or lard or tal-

*So in the original.

low shall be introduced, shall add thereto or combine therewith any annatto or compounds of the same, or any other substance or substances whatever, for the purpose or with the effect of imparting thereto a color resembling yellow, or any shade of yellow butter or cheese, nor introduce any such coloring matter or other substance into any of the articles of which the same is composed.

People v. Arensberg, 40 Hun, 358; s. c., reversed, 103 N. Y. 388;
105 Id. 123.

People v. Hill, 44 Hun, 472.

§ 29a. No person or persons shall manufacture, sell or expose for sale any poisonous coloring matter for the coloring of food products of any kind, nor shall any person or persons use any poisonous coloring matter manufactured, sold, offered or exposed for sale within this state; nor shall any person or persons sell, offer or expose for sale any food product containing such poisonous coloring matter. The state board of health shall cause samples of coloring matter that are exposed for sale upon the market for use in food products to be analyzed and report the results of such analysis to the legislature at the next session. (*Added by chapter 518 of the Laws of 1899.*)

§ 30. **Manufacture and sale of imitation cheese prohibited.**—No person shall manufacture, deal in, sell, offer or expose for sale or exchange any article or substance, in the semblance of or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal or offal fats or oils, or melted butter or butter in any condition or state or modification of the same, or oleaginous substances of any kind not produced from unadulterated milk or cream, shall be introduced.

§ 31. **When prohibition does not apply to skim-milk or skim-cheese.**—Except in the counties of New York and Kings, the prohibitions contained in this article against the sale of adulterated milk shall not apply to skim-milk, which is clean, pure, healthy, wholesome and unadulterated, except by skimming, sold for use

in the county in which it is produced or an adjoining county, if it is sold for and as skimmed milk. The prohibitions in this article against the sale of cheese made from unadulterated milk or cream, shall not apply to pure skim-cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming.

People v. Kibler, 106 N. Y. 321.

§ 32. No person, firm, association or corporation buying or receiving milk, not produced from the dairy of such person, firm, association or corporation, for the purpose of selling the same for consumption as such, or for manufacturing the same into butter, cheese, condensed milk or other human food, shall keep the same in utensils, cans, vessels, room or rooms, building or buildings, that are unclean or that have unsanitary surroundings or drainage, or in any condition whatsoever that would tend to produce or promote conditions favorable to unhealthfulness or disease. The commissioner of agriculture shall notify all persons, firms, associations or corporations violating this section, to clean said utensils, cans, vessels, room or rooms, building or buildings, or to so improve the sanitary conditions that the law will not be violated, and if such notice is complied with in ten days time, Sundays excepted, then no action shall lie for a violation of this section. The provisions of this act shall not apply to cities of the first class. (*As amended by chapter 153 of the Laws of 1898.*)

§ 33. Manufacturer's brand of cheese.—Every manufacturer of full-milk cheese may put a brand upon each cheese indicating "full-milk cheese," and the date of the month and year when made; and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to the cheese manufacturers of the state, on proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suit-

able device or motto, and the words, "New York state full-cream cheese." Every such brand shall be used upon the outside of the cheese and shall bear a different number for each separate factory. The commissioner shall keep a book, in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of the persons at each manufactory authorized to use the same. No such brand shall be used upon any other than full-cream cheese or packages containing the same. (*As amended by chapter 559 of the Laws of 1898.*)

§ 34. Use of false brand prohibited.—No person shall offer, sell, or expose for sale, in any package, butter or cheese which is falsely branded or labeled.

§ 35. County trade marks.—At a regular or special meeting of a county dairymen's association in any county of the state there may be adopted a county trade mark, by a majority of the members present and voting, to be used as a trade mark by any person manufacturing pure unadulterated butter or full-cream cheese in such county. The secretary of the association shall forthwith send to the commissioner of agriculture a copy of such trade mark, which copy he shall place on file in his office, noting thereupon the day and hour he received the same. But one county trade mark for butter and for cheese shall be placed on file for the same county. No association shall adopt any trade mark of any county already on file, or use that of any other county in the formation of a trade mark.

§ 36. Object and intent of this article.—This article and each section thereof are declared to be enacted to prevent deception in the sale of dairy products, and to preserve the public health, which is endangered by the manufacture, sale and use of the articles or substances herein regulated or prohibited.

§ 37. Every person violating any of the provisions of the agricultural law shall forfeit to the people of the state of New York the sum of not less than fifty dollars nor more than one hundred

*So in the original.

dollars for the first violation and not less than one hundred dollars or more than two hundred dollars for the second and each subsequent violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation of this article. When the use of any such article or substance is prohibited, each day during which or any part of which said article or substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of article two, three, eight, eleven and twelve or sections ninety-one and ninety-two of the agricultural law or of chapter four hundred and ninety-one, laws of eighteen hundred and ninety-eight, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months or by both such fine and imprisonment, for the first offense; and by six months imprisonment for the second offense. (*As amended by chapter 656 of the Laws of 1901.*)

ARTICLE III.

ADULTERATED VINEGAR.

Section 50. Definition of adulterated vinegar.

51. Manufacture and sale of adulterated or imitation vinegar prohibited.
52. Packages containing cider vinegar to be branded.
53. Penalties.

§ 50. **Definition of adulterated vinegar.**—All vinegar which contains any proportion of lead, copper, sulphuric acid, or other ingredients injurious to health, or any artificial coloring matter or which has not an acidity equivalent to the presence of at least four and one-half per centum, by weight, of absolute acetic acid, or cider vinegar which has less than such an amount of acidity, or less than two per centum of cider vinegar solids on full evaporation over boiling water, shall be deemed adulterated. The term cider vinegar, when used in this article means vinegar made exclusively from pure apple juice. Provided, however, that cider vinegar made by a farmer in this state, exclusively from apples grown on his land, or their equivalent in cider taken in exchange therefor, shall not be deemed adulterated, if it contain two per centum solids and sufficient alcohol to develop the required amount of acetic acid. (*As amended by chapter 308 of the Laws of 1901.*)

People v. Windholz, 68 App. Div. 552.

§ 51. **Manufacture and sale of adulterated or imitation vinegar prohibited.**—No person shall manufacture for sale, keep for sale or offer for sale:

1. Any adulterated vinegar.
2. Any vinegar or product in imitation or semblance of cider vinegar, which is not cider vinegar.
3. As or for cider vinegar, any vinegar or product which is not cider vinegar.

§ 52. **Packages containing cider vinegar to be branded.**—Every manufacturer or producer of cider vinegar shall plainly brand on the head of each cask, barrel keg or other package containing such vinegar, his name and place of business and the words "cider vinegar." And no person shall mark or brand as or for cider vinegar any package containing that which is not cider vinegar.

§ 53. **Penalties.**—Every person violating the provisions of this article shall forfeit and pay to the people of the state the sum of one hundred dollars for each violation.

*ARTICLE IV.

DISEASES OF DOMESTIC ANIMALS.

Section 60. Suppression of infectious or contagious disease.

61. Commissioner to issue notice.
62. Farms to be quarantined; inspection of premises.
63. Detention and destruction of animals.
64. Employment of veterinary surgeons.
65. Regulations and enforcement thereof.
66. Penalties.
67. Appraiser of condemned animals.
68. Appraisal of diseased animals.
69. Certificate of appraisal.
70. Post-mortem examination of slaughtered animals.
- 70a. Compensation to owners of animals destroyed.
- 70b. Expenses.
- 70c. Federal regulations.
- 70d. Rights of federal inspectors.
- 70e. Slaughtering and selling veal for food.
- 70f. Shipping veal.
- 70g. Receiving veal for shipment by common carriers.

Section 60. Suppression of infectious and contagious disease.—

Whenever any infectious or contagious disease, affecting domestic animals shall exist, be brought into or break out in this state, the commissioner of agriculture shall take measures to promptly suppress the same, and to prevent such disease from spreading. The local boards of health shall notify the commissioner of the existence of infectious or contagious disease affecting domestic animals in the districts subject to their jurisdiction.

§ 61. Commissioner to issue notice.—He shall issue and publish a notice, stating that a specified infectious or contagious disease exists in any designated county or other geographical district of the state, and warning all persons to seclude in the premises where they may be at the time, all animals within such county or district, that are of a kind susceptible to contract such disease, and ordering all persons to take such precaution against the spreading of the disease, as the nature thereof may

*Original Article IV was repealed, and new Article IV enacted, by Chapter 221 of the Laws of 1901.

in his judgment render necessary or expedient, and which he may specify in such notice. Such notice shall be published in such newspapers, and be posted in such manner as the commissioner may designate, and as, in his judgment, are most likely to give notice thereof.

§ 62. **Farms to be quarantined; inspection of premises.**—The commissioner or an assistant commissioner, shall order any premises, farm or farms where such disease exists, or recently existed, to be put in quarantine, so that no domestic animal be removed from or brought to the premises or places quarantined, and shall prescribe such regulations as he may judge necessary or expedient to prevent the communication of the disease by infection or contagion, in any way from the places so quarantined. The commissioner may adopt and enforce rules regulating the sanitation of stables and other buildings used for the stabling of cattle for the purpose of preventing the existence and spread of infection and contagion among cattle. He may provide for the inspection and examination of all such stables and buildings.

§ 63. **Detention and destruction of animals.**—The commissioner or an assistant commissioner, may order all or any animals coming into the state to be detained at any place or places for the purpose of inspection and examination. He may prescribe regulations for the destruction of animals affected with infectious or contagious disease, and for the proper disposal of their hides and carcasses, and of all objects which might carry infection and contagion. Whenever, in his judgment necessary, for the more speedy and economical suppression or prevention of the spread of any such disease, he may cause to be slaughtered, and to be afterwards disposed of, in such manner as he may deem expedient, any animal or animals, which, by contact or association with diseased animals, or by other exposure to infection or contagion, may be considered or suspected to be liable to contract or communicate the disease sought to be suppressed or prevented. The commissioner may direct that an animal

shall be condemned, quarantined or slaughtered as tuberculous, under the provisions of this article, if it shall be found to be tuberculous by a physical examination. If the owner of animals suspected of being tuberculous desires to have such animals tested with tuberculin and enters into a written agreement with the state in the manner prescribed by the commissioner of agriculture, before such test is made, to the effect that he will disinfect his premises and either consent to the slaughter of the animals responding to such test, or hold them and their products in strict quarantine, pursuant to the directions of the commissioner of agriculture, such test shall be made by a medical or veterinary practitioner designated by the commissioner. The commissioner may also in his discretion order such tuberculin test to be made, and if the animal responds to such test, he may cause such animal to be slaughtered or held in strict quarantine.

§ 64. **Employment of veterinary surgeons.**—The commissioner may employ such and so many medical and veterinary practitioners and such other persons as he may, from time to time, deem necessary to assist him in discharging the duties imposed upon him by this article, and may fix their compensation, to the amount appropriated therefor. No animal shall be destroyed by the commissioner or by his order on the ground that it is a diseased animal, unless first examined by a medical or veterinary practitioner in the employ of the commissioner, nor until such practitioner renders a certificate to the effect that he has made such examination, that in his judgment such animal is affected with a specified infectious or contagious disease, or that its destruction is necessary in order to suppress or aid in suppressing such disease, or to prevent such disease, or to prevent the spread thereof, specifying the reasons for such necessity.

§ 65. **Regulations and the enforcement thereof.**—The commissioner may prescribe such regulations as in his judgment may be thought suited for the suppression or prevention of the spread of any such disease, and for the disinfection of all premises, buildings, railway cars, vessels, and other objects from

or by means of which infection or contagion may take place or be conveyed. He may alter or modify, from time to time, as he may deem expedient, the terms of all notices, orders and regulations issued or made by him, and may at any time cancel or withdraw the same. He may call upon the sheriff or deputy sheriff, to carry out and enforce the provisions of any notice, order or regulation which he may make, and all such sheriffs and deputy sheriffs shall obey and observe all orders and instructions which they may receive from him in the premises. If the commissioner shall quarantine any particular district or territory for the purpose of stopping or preventing the spread of the disease known as rabies, and if any dog be found loose within the said quarantine district in violation of said quarantine or regulation, any person may kill or cause to be killed such dog and shall not be held liable for damages for such killing.

§ 66. **Penalties.**—Any person violating, disobeying or disregarding the terms of any notice, order or regulation, issued or prescribed by the commissioner under this article, shall forfeit to the people of the state the sum of one hundred dollars for every such violation.

§ 67. **Appraiser of condemned animals.**—The commissioner of agriculture may appoint and at pleasure remove not more than three state appraisers of condemned animals. The persons so appointed shall be persons of experience and well acquainted with the value of farm animals. They shall receive five dollars per day for the time actually employed by order of the commissioner, and all necessary traveling and other expenses incurred in the performance of their duties.

§ 68. **Appraisal of diseased animals.**—One of the state appraisers of condemned animals shall be present at the examination of all diseased animals when such examination is conducted under this act, for the purpose of determining whether such animals should be slaughtered. Such appraiser shall determine the value of each animal directed to be slaughtered. Such value shall be the market value of such animals at the time of making:

such examination, as though the animal were not diseased, but the appraisal value of each head of cattle shall not exceed the sum of sixty dollars if a thoroughbred, and forty dollars if a grade. If the value of the condemned animals determined by the appraiser is not satisfactory to the owner of such animals, the value shall be determined by arbitrators, one to be appointed by the state appraiser, and one by the owner of the animals. If such arbitrators are not able to agree as to the value of the animals, a third arbitrator shall be appointed by them. The value determined by such arbitrator shall be final. The costs and expenses of the proceedings before the arbitrators shall be paid by the owner of the animals. No cattle claimed to be thoroughbred shall be appraised as such unless the owner thereof shall furnish to the state appraiser a duly executed certificate of registry. Such appraiser of condemned animals and the arbitrators appointed under this section may administer oaths to and examine witnesses.

§ 69. *Certificate of appraisal.*—The appraiser shall execute and deliver to the owner of the condemned animals a certificate verified by him stating the appraised value of such animals; if such value was determined by arbitrators, there shall be attached to such certificate a statement of the value so determined signed and verified by at least two of the arbitrators. The form and contents of such certificate shall be prescribed by the commissioner of agriculture.

§ *70. *Post-mortem examination of slaughtered animals.*—All animals suspected of being tuberculous and slaughtered therefor, shall be examined by a medical or veterinary practitioner designated by the commissioner for the purpose of determining whether or not such disease existed in such animals. There shall be attached to the certificate of appraisal, a statement of the result of such examination, describing the animals found to be tuberculous and those which were found not to be tuber-

*Subsection 2 of section 70 repealed; also Article 4 (Public Health Law) of Chapter 661 of the Laws of 1893, as amended by Chapter 674 of the Laws of 1894, and Chapter 1013 of the Laws of 1895.

culous. The form of such statement shall be prescribed by the commissioner of agriculture. Such statement shall be verified by the veterinary or medical practitioner making the examination.

§ 70a. **Compensation to owners of animals destroyed.**—The actual appraised value at the time they are killed of all animals slaughtered under the provisions of this article, which shall be found upon a post mortem examination not to have had the disease for which they were slaughtered, unless the same were killed on account of the violation of quarantine regulations, shall be paid to the owners of such animals. The certificate of appraisal, the statement of the result of the post-mortem examination, shall be presented by the owner or his legal representatives or assigns, to the commissioner of agriculture. The commissioner of agriculture shall issue his order for the amount due as shown by such certificate and statement, which shall be paid by the state treasurer on the warrant of the comptroller out of moneys appropriated therefor. The board of claims shall have exclusive jurisdiction to hear, audit and determine all claims which shall arise under the provisions of this article for compensation for animals slaughtered and to allow thereon such sums as should be paid by the state. No compensation shall be made to any person who has wilfully concealed the existence of disease among his animals or upon his premises, or who in any way by act or by wilful neglect has contributed to spread the disease sought to be suppressed or prevented, nor for any animal which upon a post-mortem examination is found to have the disease on account of which it was slaughtered or any dangerously contagious or infectious disease that would warrant the destruction of such animal.

§ 70b. **Expenses.**—All expenses incurred by the commissioner in carrying out the provisions of this article and in performing the duties herein devolved upon him shall be audited by the comptroller as extraordinary expenses of the department of agriculture, and paid out of any moneys in the treasury appropriated for such purposes.

§ 70c. **Federal regulations.**—The commissioner of agriculture may accept, in behalf of the state, the rules and regulations prepared and adopted by the commissioner of agriculture or the secretary or department of agriculture of the United States, under any act of congress for the establishment of a bureau of animal industry or to prevent the exportation of diseased cattle or to provide means for the extirpation and suppression of pleuro-pneumonia and other contagious diseases among domestic animals and shall co-operate with the authorities of the United States in the enforcement of the provisions of any such act.

§ 70d. **Rights of federal inspectors.**—The inspectors of the bureau of animal industry of the United States shall have the right of inspection, quarantine and condemnation of animals affected with any contagious, infectious or communicable disease, or suspected to be so affected or that may have been exposed to any such disease, and for such purposes they may enter upon any ground or premises; they may call the sheriffs, constables and peace officers to assist them in discharge of their duties in carrying out the provisions of any such act; and all sheriffs, constables and peace officers shall assist such inspectors when so requested, and such inspectors shall have the same powers and protection as peace officers, while engaged in the discharge of their duties. All animals entering the state, which pass inspection by the federal authorities, shall be permitted to proceed to place of destination without further inspection under this act. This state shall not be liable for any damages or expenses caused or made by such inspectors.

§ 70-e. **Slaughtering and selling veal for food.**—No person shall slaughter, for the purpose of selling the same for food, or expose for sale or sell within this state, or bring or cause to be brought into any city, town or village within this state for food any calf or carcass of the same, or any part thereof except the hide, unless it is in good healthy condition and was at least four weeks of age at the time of killing. Any person

or persons duly authorized by the commissioner of agriculture, may examine any calf or veal found within this state offered or exposed for sale, or kept with intent to sell as food, and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed, he may seize the same and cause it to be destroyed or disposed of in such manner as to make it impossible to be thereafter used as food. (*Added by chapter 30 of the Laws of 1902.*)

§ 70-f. Shipping veal.—On and after the passage of this act it shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this state any carcass or carcasses of a calf or calves or any part of such carcass except the hide, unless they shall attach to every carcass or part thereof so shipped in a conspicuous place a tag, that shall stay thereon during such transportation, stating the name or names of the person or persons who raised the calf, the name of the shipper, the points of shipping and the destination and the age of the calf. (*Added by chapter 30 of the Laws of 1902.*)

§ 70-g. Receiving veal for shipment by common carriers.—On and after the passage of this act, no railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves, or any part of the same except the hide, unless the said carcass or carcasses or parts thereof shall be tagged as herein provided. (*Added by chapter 30 of the Laws of 1902.*)

*ARTICLE V.

SUGAR BEET CULTURE.

Section 71. Commissioner of agriculture to apportion moneys appropriated for promotion of sugar beet culture.

72. Persons, et cetera, to whom moneys may be apportioned.

73. Statements; inspections, branding of packages.

74. Inspectors, to be appointed by commissioner.

75. Weighman, powers and duties.

76. Apportionment of moneys by commissioners of agriculture.

* Original article V was made article VI by chapter 500 of the Laws of 1897.

Section 71. Commissioners of agriculture to apportion moneys appropriated for promotion of sugar beet culture.—Money appropriated for the promotion of sugar beet culture by scientific and practical experiment shall be apportioned by the commissioners of agriculture to the persons, firms, associations or corporations entitled thereto, according to the provisions of this article.

§ 72. Persons, et cetera, to whom moneys may be distributed.—Any person, firm, association or corporation, engaged in the manufacture of sugar from beets grown in the state of New York, upon registration in the office of the commissioner of agriculture, and filing a certificate therein, stating the name of such person, firm, association or corporation, the location of the factory, and the capacity thereof, and the time when the manufacture of sugar began or is to begin, shall be entitled to a distributive share of the amount appropriated for the promotion and encouragement of sugar beet culture, as provided in this article. No such person, firm, association or corporation shall receive any portion of the moneys so appropriated, unless all the beets used in the manufacture of such sugar are grown within the state of New York, and unless the grower received therefor a net sum of not less than five dollars per ton, to be delivered at such point as may be agreed upon by the grower and the manufacturer, and provided such beets are not grown by the manufacturer of such sugar. No money shall be distributed to such manufacturers, unless the sugar manufactured by them shall contain at least ninety per centum of crystallized sugar. The commissioner of agriculture may expend such sum or sums as he may deem necessary or expedient, not exceeding ten per centum of the amount appropriated for the purposes of this article, in practical and scientific experiments in growing sugar beets in one or more sections of this state, for the purpose of determining the adaptability of the soil thereof for the production of sugar beets. (*As amended by chapter 303 of the Laws of 1899.*)

§ 73. Statements; inspections, branding of packages.—The quantity and quality of sugar upon which said money is to be

paid shall be determined by the commissioner of agriculture in this state, with whom all claimants shall, from time to time, file verified statements showing the quantity and quality of sugar manufactured by them, the price paid the producer for beets and upon which said money is claimed. The said commissioner shall, without unnecessary delay, visit or cause to be visited by such persons as he shall designate in writing, the factory where said sugar has been produced or manufactured, and take such evidence by the sworn testimony of the officers or employes of such factory or others, as to the amount and quality of sugar so manufactured, and the price paid for beets as to him or the person so designated by him shall appear satisfactory and conclusive. The sugar so manufactured shall be placed by the manufacturer in original packages, which shall be examined and branded by the said commissioner or person by him designated, with a suitable brand, showing the quantity and the quality of sugar contained in each of said packages, of which an accurate account shall be kept by said inspector, and filed in the office of the commissioner of agriculture of this state.

§ 74. *Inspectors, to be appointed by commissioner.*—It shall be the duty of the commissioner of agriculture to appoint a resident inspector in each town or city where one or more manufactories of sugar may be located in this state, the aggregate output of which factories shall exceed two thousand pounds of sugar per day, and such examiner shall make such examinations, take such evidence and make such records and reports as is specified in section two of this act. The compensation or fee for such service of said inspector shall not exceed the sum of twenty-five cents for each package so branded, nor the sum of five dollars per day for any one day's service, and such resident inspector shall be required to give a good and sufficient bond in the sum of not less than two thousand dollars to the state of New York, contingent on the faithful performance of his duties, said bond to be approved by the said commissioner of agriculture. Said fees or compensation, together with the cost of said brand and any and all analysis that the said

commissioner of agriculture or other authorized inspector shall require to be made, shall be borne and paid by the claimant of said money.

§ 75. Weighman, powers and duties.—It shall be the duty of the commissioner of agriculture to appoint at each sugar manufactory in this state where the output of such manufactory shall exceed two thousand pounds of sugar per day, a person who shall weigh all beets received by the person or persons, corporation or association operating said manufactory. Such person shall be known as the weighman, and he shall keep accurate record of all duties performed by him. He shall discharge all duties pertaining to his position in an impartial manner, and shall furnish the commissioner of agriculture with a good and sufficient bond in the sum of two thousand dollars for the faithful discharge of his duties as prescribed by this act. The commissioner of agriculture may appoint such person or persons to assist said weighman as the service to be performed may require. Each person so appointed shall give bond as provided by this section. The weighman shall take into his possession, promptly on receipt of beets at such manufactory, such samples of beets as he deems fair and equitable, from which to remove dirt or other dockage. He shall then promptly weigh all beets from which samples have been taken and keep an accurate record of all weights, and all of such records shall show the names of both the seller and the buyer. The weights furnished by said weighman shall be accepted by both the seller and the buyer, and upon such weights so furnished settlement between the seller and the buyer shall be made. The compensation or fee allowed such weighman shall not exceed the sum of five dollars per day for time actually employed and for his assistants a sum not to exceed three dollars per day for the time actually employed. All expenses arising from the duties of said weighman or his assistants, as prescribed by this act, shall be paid by the person or persons, corporation or association operating such manufactory where such expense is incurred. The foregoing provisions of this section as to weighing shall not apply to such beets as

are weighed by agreement of the buyer and seller at the station of shipment, but the weighing in such cases shall be done by persons appointed by the commissioner of agriculture and the expense of such weighing shall be borne as provided in this act. (*As amended by chapter 101 of the Laws of 1899.*)

§ 76. **Distribution of moneys by commissioner of agriculture.**—On or before the first day of February in each year the commissioner of agriculture shall prepare a detailed statement of the quantity of sugar manufactured by each person, firm or association or corporation entitled to receive a portion of the moneys appropriated for the promotion and encouragement of sugar beet culture. He shall apportion to each such person, firm, association or corporation the moneys so appropriated according to the amount of sugar of the grade described in this article manufactured by each of them, during the preceding year. One-half of one cent a pound shall be paid on account of the sugar so manufactured during the season of nineteen hundred and two, one-half of one cent a pound shall be paid on account of the sugar so manufactured during the season of nineteen hundred and three, and one-half of one cent a pound shall be paid for the sugar so manufactured during the season of nineteen hundred and four. Such commissioner of agriculture shall certify to the comptroller the amount apportioned to each manufacturer of sugar according to the provisions of this article; and the comptroller shall draw his warrant upon the state treasurer for the amount so certified, payable to the party or parties to whom such apportionment was made. (*As amended by chapter 240 of the Laws of 1902.*)

§ 2. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, to be paid in the manner prescribed by article five of the agricultural law, as inserted by chapter five hundred of the laws of eighteen hundred and ninety-seven and as above amended. Of such amount

the commissioner of agriculture may expend such sum or sums as he may deem necessary, not exceeding the sum of five thousand dollars, in promoting by instruction, or otherwise, and encouraging the proper and economic cultivation of sugar beets. There shall be paid to the manufacturers of beet sugar, in the state of New York, of the moneys hereby appropriated, such sum as may be necessary to pay one-half cent a pound on beet sugar manufactured during the season of nineteen hundred and two, which sum shall be distributed in accordance with the provisions of article five of the agricultural law as inserted by chapter five hundred of the laws of eighteen hundred and ninety-seven and as hereby amended. (*Appropriation made by chapter 240 of the Laws of 1902.*)

*ARTICLE VI.

MISCELLANEOUS PROVISIONS.

Section 80. The prevention of diseases among bees.

81. Proceedings of the agent of the commissioners.

82. The prevention of disease in fruit trees.

83. Appointment and duties of the agent of the commissioner of agriculture.

84. Proceedings in case of owner's failure to destroy.

85. The New York agricultural experiment station.

86. The state weather bureau.

87. The agricultural experiment station at Cornell university.

88. Receipts and apportionment of state moneys appropriated for the promotion of agriculture.

89. When agricultural societies entitled to additional sums from the state.

90. Annual report of the commissioner of agriculture and state society.

91. Maple sugar and maple syrup.

92. Maple sugar and maple syrup.

§ 80. The prevention of diseases among bees.—No person shall keep in his apiary any colony of bees affected with a contagious malady known as foul brood or black brood; and every bee-keeper when he becomes aware of the existence of either of such

*This, original article V, was made article VI by chapter 500 of the Laws of 1897.

diseases among his bees, shall immediately notify the commissioner of agriculture of the existence of such disease. (*As amended by chapter 214 of the Laws of 1902.*)

§ 80-a. **Defining honey.**—The terms “honey,” “liquid or extracted honey,” “strained honey,” or “pure honey,” as used in this act shall mean the nectar of flowers that has been transformed by, and is the natural product of the honey-bee, taken from the honeycomb and marketed in a liquid, candied or granulated condition. (*Added by chapter 214 of the Laws of 1902.*)

§ 80-b. **Relative to selling a commodity in imitation or semblance of honey.**—No person or persons shall sell, keep for sale, expose or offer for sale, any article or product in imitation or semblance of honey branded as “honey” “liquid or extracted honey,” “strained honey” or “pure honey” which is not pure honey. No person or persons, firm, association, company or corporation, shall manufacture, sell, expose or offer for sale any compound or mixture branded or labeled as and for honey which shall be made up of honey mixed with any other substance or ingredient. There may be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same size type as are the other ingredients, but it shall not be sold, exposed for sale, or offered for sale as honey; nor shall such compound or mixture be branded or labeled with the word “honey” in any form other than as herein provided; nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey, or branded or labeled with the word “honey,” unless such article is pure honey. (*Added by chapter 214 of the Laws of 1902.*)

§ 81. **Duties of the commissioner.**—The commissioner of agriculture shall immediately upon receiving notice of the existence of foul brood or black brood among the bees in any locality, send some competent person or persons to examine the apiary or apiaries reported to him as being affected, and all the other

apiaries in the immediate locality of the apiary or apiaries so reported; if foul brood or black brood is found to exist in them, the person or persons so sent by the commissioner of agriculture shall give the owners or caretakers of the diseased apiary or apiaries full instructions how to treat said cases. The commissioner of agriculture shall cause said apiary or apiaries to be visited from time to time as he may deem best and if, after proper treatment, the said bees shall not be cured of the diseases known as foul brood or black brood then he may cause the same to be destroyed in such manner as may be necessary to prevent the spread of the said diseases. For the purpose of enforcing this act, the commissioner of agriculture, his agents, employees, appointees or counsel, shall have access, ingress and egress to all places where bees or honey or appliances used in apiaries may be, which it is believed are in any way affected with the said disease of foul brood or black brood or where it is believed any commodity is offered or exposed for sale in violation of the provisions of this act. No owner or caretaker of a diseased apiary, honey or appliances shall sell, barter or give away any bees, honey or appliances from said diseased apiary, which shall expose other bees to the danger of said diseases, nor refuse to allow the said commissioner of agriculture, or the person or persons appointed by him to inspect said apiary, honey, or appliances, and do such things as the said commissioner of agriculture or the person or persons appointed by him shall deem necessary for the eradication of said diseases. Any person who disregards or violates any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than one month nor more than two months, or by both fine and imprisonment. (*As amended by chapter 214 of the Laws of 1902.*)

§ 82. The prevention of disease in fruit trees and the extirpation of insect pests that infest the same.—No person shall knowingly or wilfully keep any peach, almond, apricot or nec-

tarine trees affected with the contagious disease known as yellows. Nor shall any person knowingly or wilfully keep any plum, cherry or other trees affected with the contagious disease or fungus known as black knot, nor any tree, shrub or plant infested with or by the San José scale or other insect pest dangerously injurious to or destructive of the trees, shrubs or other plants; every such tree, shrub or plant shall be a public nuisance and as such shall be abated and no damage shall be awarded for entering upon premises upon which there are trees, shrubs or plants infected with yellows or black knot or infested with San José scale, for the purpose of legally inspecting the same nor shall any damage be awarded for the destruction by the commissioner of agriculture, or his duly authorized agents or representatives of such trees, shrubs or plants, or altogether destroying such tree if necessary to suppress such disease, if done in accordance with the provisions of this article, except as otherwise herein provided. Every person, when he becomes aware of the existence of such disease or insect pest in any tree owned by him, shall forthwith report the same to the commissioner of agriculture at Albany, New York, and the said commissioner shall take such action as the law provides. If in the judgment of said commissioner of agriculture or the person or persons representing him the trees, shrubs or other plants so infected, infested or diseased should be destroyed, then such destruction shall be carried on and completed under the supervision of the commissioner of agriculture or the person or persons duly appointed by him and authorized so to do, without unnecessary delay, but the owner of the trees, shrubs or plants shall be notified immediately upon its being determined that such trees, shrubs or plants should be destroyed by a notice in writing signed by said commissioner or the person or persons representing him, which said notice in writing shall be delivered in person to the owner of such trees, shrubs or plants, or left at the usual place of residence of such owner, or if such owner be not a resident of the town, by leaving such notice with the person in charge

of the premises, trees, shrubs or plants or in whose possession they may be; such notice shall contain a brief statement of the facts found to exist whereby it is deemed necessary to destroy such trees, shrubs or plants, and shall call attention to the law under which it is proposed to destroy them, and the owner shall within ten days from the date upon which such notice shall have been received, remove and burn all such diseased or infested trees, shrubs or plants. If however, in the judgment of the commissioner of agriculture, any trees, shrubs or plants infected with any disease or infested with dangerously injurious insects can be treated with sufficient remedies, he may direct such treatment to be carried out by the owner under the direction of the commissioner's agent or agents. In cases of objections to the findings of the inspector or agent of the commissioner of agriculture an appeal may be made to the commissioner of agriculture whose decision shall be final. An appeal must be taken within three days from service of said notice, and shall act as a stay of proceedings until it is heard and decided. When the commissioner of agriculture, or the person or persons appointed by him, shall determine that any tree or trees, shrubs or other plants must be treated or destroyed forthwith, he may employ all necessary assistance for that purpose, and such person or persons, agent or agents, employee or employees, may enter upon any or all premises in any city or town necessary for the purposes of such treatment, removal or destruction. (*As amended by chapter 519 of the Laws of 1902.*)

§ 83. Appointment and duties of the agent of the commissioner of agriculture.—When the commissioner of agriculture knows or has reason to believe that any such contagious disease exists, or that there is good reason to believe it exists, or danger is justly apprehended of its introduction in any town or city in the state, or that any dangerously injurious insect pest exists within this state, and has reason to believe that danger may be justly apprehended from its existence, he shall forthwith send some competent person and such agent or agents as he may

deem necessary to assist extirpating said pest or pests, disease or diseases, and the said commissioner of agriculture is hereby authorized and empowered to take such steps and do whatever may be deemed necessary to so control or prevent the spread or extirpate said pest or pests, disease or diseases, and he shall cause an examination to be made at least once each year, prior to September first, of each and every nursery or other place where trees, shrubs or plants, commonly known as nursery stock, are grown for sale, for the purpose of ascertaining whether the trees, shrubs or plants therein kept or propagated for sale are infected with any such contagious disease or diseases, or infested with such pest or pests. If after such examination it is found that the said trees, shrubs or other plants so examined are free in all respects from any such contagious or infectious disease or diseases, dangerously injurious pest or pests, the said commissioner or his duly authorized agent or other person designated to make such examination, shall thereupon issue to the owner or proprietor of the said stock thus examined a certificate setting forth the fact that the stock so examined is apparently free from any and all such disease or diseases, pest or pests. Should any nurseryman, agent or dealer or broker send out or deliver within the state, trees, vines, shrubs, plants, buds or cuttings, commonly known as nursery stock, and which are subject to the attacks of insects and diseases above provided for, unless he has in his possession a copy of said certificate, dated within a year thereof, deface or destroy such certificate, or wrongfully be in possession of such certificate, he shall be guilty of a misdemeanor. All nursery stock consigned for shipment, or shipped by freight, express or other means of transportation, shall be accompanied by a copy of said certificate attached to each car, box, bale, bundle or package. Any person consigning for shipment or shipping nursery stock as above without such certificate attached shall be guilty of a misdemeanor. All transportation companies within this state receiving or carrying nursery stock from any point without the state to any point within

the state shall immediately, upon receiving such consignments, notify the commissioner of agriculture of the fact that such consignment is in their possession, giving the name of the consignor and consignee, and the point of destination of such consignment. All trees, plants, shrubs, buds or cuttings, commonly called nursery stock, grown in any nursery in this state, in which San José scale has been found within two years of the date of the dissemination of said nursery stock or grown in said nursery within one-half a mile of where said scale was found, and also all nursery stock from outside of this state, disseminated or planted in this state, after the first day of July nineteen hundred and two, must be fumigated with hydrocyanic gas, in such manner as may be directed by the commissioner of agriculture of this state. Such fumigation must be done by the grower, consignor or consignee of such stock before planting, dissemination or reshipment, except such trees, shrubs, plants, buds or cuttings grown in this state as are planted by the grower or propagator for himself, or such as from its nature or state of growth would be exempt; in such cases the said commissioner shall declare such trees, shrubs, plants, buds or cuttings free from such treatment. All nursery stock brought into this state from outside of this state must be accompanied by a certificate from the consignor that it has been fumigated as aforesaid. Should any such stock arrive without such certificate, the transportation company delivering it shall at once notify the said commissioner to that effect. The consignee shall also at once notify him of that fact, and shall proceed to fumigate said stock, as directed by the commissioner of agriculture without delay. Should any nursery stock purchased within one year be found infested with San José scale on the premises of any nurseryman, it shall not be considered such an infestation as to require the fumigation of other stock not so purchased. The words "nursery stock" wherever used in this article shall apply to and include all trees, shrubs, plants, buds, willow grown for nursery, baskets, or other commercial purposes or cuttings, whether grown

in a nursery or elsewhere so far as it relates to fumigation. The provisions of this and the preceding section shall not apply to florists green house plants, flowers or cuttings commonly known as green house stock, and no certificate shall be required for shipment of native stock collected in the United States, not grown in nurseries, nor to stock so shipped into the state that its sale and shipment become either inter-state commerce traffic or commerce with foreign nations. (*As amended by chapter 519 of the Laws of 1902.*)

Section 84 was repealed by chapter 482 of the Laws of 1898.

§ 85. **The New York Agriculture Experiment Station.**—The institution known as the New York agricultural experiment station, established in the village of Geneva, for the purpose of promoting agriculture in its various branches by scientific investigation and experiment shall continue under the control and management of a board of trustees. Such board of trustees shall be known as the board of control of the state experiment station and shall consist of nine members to be appointed by the governor whose term of office shall be three years. The governor shall be a member of the board by virtue of his office. Such board of control shall annually elect a president from their own number and appoint a secretary and treasurer to hold their offices during the pleasure of the board. Such board of control shall have general management of the station and shall appoint a director to have oversight and management of the experiments and investigations which shall be necessary to accomplish the objects of said institution, and may employ competent and suitable chemists and other persons necessary for carrying on the work of the station. Such board shall have the direction of the expenditure of all moneys appropriated to the institution and annually, on or before the first day of December, make a full report to the commissioner of agriculture of their proceedings, receipts and expenditures, for the year ending with the thirtieth day of September then next preceding. No member shall receive any compensation for his services as such; but shall be paid his necessary traveling expenses and those expenses incurred by him by an

actual attendance upon the meeting of such board. The board shall make such rules and regulations, subject to the approval of the commissioner of agriculture, as may from time to time become necessary to carry out the objects of the station. Such experiment station may, with the consent and approval of the commissioner of agriculture, appoint agricultural experts to assist such experiment station, in the second judicial department, in conducting scientific investigations and experiments in agriculture; in disseminating agricultural knowledge by means of lectures or otherwise; and in preparing and printing for free distribution the results of such investigations and experiments, and such other information as may be deemed desirable and profitable in promoting the agricultural interests of the state. Such experts may be removed by such experiment station, in its discretion, and may be paid for their services such sum as it may deem reasonable and proper and as shall be approved by the commissioner of agriculture. All of such work by such experiment station and by such experts shall be under the general supervision and direction of the commissioner of agriculture. (*As amended by chapter 675 of the Laws of 1894.*)

§ 86. The state weather bureau.—The state meteorological bureau and weather service, shall hereafter be known as the state weather bureau, and shall be under the control and management of the commissioner of agriculture. Such commissioner may appoint the director of such bureau but such director shall not receive any compensation for his services. The commissioner may continue the central office and station for meteorological observation and experiment upon the grounds of Cornell university, and shall if practicable establish and supervise one or more volunteer weather stations in each congressional district of the state, in co-operation with the chief of the United States weather bureau, for the purpose of increasing the usefulness of the weather service of the state and of the United States. The sum of four thousand five hundred dollars, or so much thereof as the commissioner deems necessary, shall be annually appro-

priated to be paid to the commissioner by the treasurer, upon the warrant of the comptroller, issued upon the vouchers of the commissioner, for necessary clerical services at such central office, for printing and distributing reports of the results and operations of such bureau, in such manner as shall be most serviceable to the people of the state, and for the purchase, preservation and repair of proper and necessary instruments for the work of such bureau and for the reasonably necessary traveling and incidental expenses of such commissioner and director in the performance of their duties, and for such other expenses as such commissioner shall deem necessary for the efficient administration of such bureau.

§ 87. The Cornell university and the agricultural experiment station at Geneva established by the laws of the state are hereby designated as the institutions within this state, entitled to receive such portion as the legislature shall determine of the benefits of the act of the congress of the United States, approved March second, eighteen hundred and eighty-seven, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto." Such benefits of such acts which this state is authorized thereby to apply to any college, institution or agricultural experiment station within this state, are applied to the agricultural experiment station established under the direction of Cornell university and the agricultural experiment station at Geneva, and this state consents that such appropriation, money or benefits to or for the use of this state, or of any institution within this state, payable under or in pursuance of such act of congress, shall be paid nine-tenths thereof to the treasurer of Cornell university, the officer designated to receive the same, and one-tenth thereof to the officers of the agricultural experiment station at Geneva designated to receive the same, to be expended as provided in such act of congress. Such experiment station shall, annually, on or before the first day of December, make, to the commis-

sioner of agriculture, a full and detailed report of its operations, including a statement of its receipts and expenditures for the year ending with the thirtieth day of September then next preceding. Such experiment station may, with the consent and approval of the commissioner of agriculture, appoint horticultural experts to assist such experiment station, in the fifth judicial department, in conducting investigations and experiments in horticulture; in discovering and remedying the disease of plants, vines and fruit trees; in ascertaining the best means of fertilizing vineyard, fruit and garden plantations, and of making orchards, vineyards and gardens prolific; in disseminating horticultural knowledge by means of lectures or otherwise; and in preparing and printing, for free distribution, the results of such investigations and experiments, and such other information as may be deemed desirable and profitable in promoting the horticultural interests of the state. Such experts may be removed by such experiment station, in its discretion, and may be paid for their services such sum as it may deem reasonable and proper, and as shall be approved by the commissioner of agriculture. All of such work by such experiment station and by such experts shall be under the general supervision and direction of the commissioner of agriculture.

§ 2. The treasurer of this state shall keep the account of all moneys hereafter received by him in pursuance of such act of congress, in a separate fund, to the credit of the Cornell university and the agricultural experiment station at Geneva, in the proportion stated in section one of this act, and shall pay all such moneys immediately upon the receipt thereof by him to the officers respectively designated therein to receive the same, upon the warrant of the comptroller, issued upon the order of the trustees of Cornell university and the board of control of the agricultural experiment station at Geneva, in pursuance of said act of congress, which said moneys are hereby appropriated for the purposes herein stated.

§ 3. The sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the

treasury not otherwise appropriated, to be paid to the New York State Agricultural Experiment Station, at Geneva, for the purpose of agricultural experiments, investigations, instruction and information, in the second judicial department, pursuant to section eighty-five of the agricultural law, and the sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, to be paid to the agricultural experiment station at Cornell university, for the purpose of horticultural experiments, investigations, instruction and information, in the fifth judicial department, pursuant to section eighty-seven of the agricultural law. Such money shall be paid by the treasurer upon the warrant of the comptroller, upon vouchers approved by the commissioner of agriculture. (*As amended by chapter 675 of the Laws of 1894.*)

* LAWS REPEALED.

LAWS OF	Chapter.	Section.
1887.....	479.....	6.
1891.....	354.....	All.
1892.....	511.....	All.
1893.....	338.....	89.

§ 88. Receipts and apportionment of moneys for the promotion of agriculture.—Of all moneys appropriated for the promotion of agriculture in any one year, two thousand dollars thereof shall be paid to each of the agricultural societies, agricultural clubs, or agricultural expositions which shall have held annual agricultural fairs, or meetings, during each of the three years next preceding such appropriation, except the year nineteen hundred and one, during which year no agricultural fair meeting need be held, and which shall have paid at each of such annual fairs or meetings during such three years, except the year nineteen hundred and one, the sum of three thousand dollars as premiums

* These laws were repealed by chapter 675 of the Laws of 1894.

for agricultural interests, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast, under the conditions and in the manner provided by section eighty-nine of this chapter. Of the balance of all the moneys already appropriated, or hereafter appropriated, and all the revenues which have been, or shall be received by the comptroller, and not distributed as heretofore provided, and all the moneys received by him from the tax collected from racing associations pursuant to chapter one hundred and ninety-seven of the laws of eighteen hundred and ninety-four, and chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and all acts amendatory thereto, or hereafter otherwise collected from racing associations, corporations, or clubs, shall constitute a fund, which shall be annually disbursed on behalf of the state for improving the breed of cattle, sheep, and horses at the various fairs throughout the state, and shall be apportioned and distributed as hereinafter prescribed, among all the various county agricultural societies, the American institute of the city of New York, and among the other various town or other agricultural societies, or agricultural fair associations, or agricultural expositions, which have received moneys from the state during either one of the three years, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, or nineteen hundred, under and by virtue of section eighty-eight alone of this act; also among any town or other agricultural societies which have not received moneys from the state, under and by virtue of section eighty-nine of the agricultural law, and which have held fairs during the years eighteen hundred and ninety-two, eighteen hundred and ninety-three or eighteen hundred and ninety-four, and which were entitled to file a report prior to June first, eighteen hundred and ninety-five, as provided by section eighty-eight of the agricultural law, as amended by chapter eight hundred and twenty of the laws of eighteen hundred and ninety-five, and which have filed further additional reports with the commissioner of agriculture, in eighteen hundred and ninety-nine or nineteen hundred, as provided by chapter four hundred

and ninety-four of the laws of eighteen hundred and ninety-eight, and by chapter three hundred and thirty-nine of the laws of nineteen hundred. Such apportionment and distribution shall be made by the commissioner of agriculture in the following manner: The balance of such moneys already appropriated, or hereafter appropriated, shall be apportioned and distributed to such county agricultural societies, American institute of the city of New York, and the such various town or other agricultural societies, or agricultural fair associations, or agricultural expositions, hereinbefore mentioned in proportion to the actual premiums paid during the previous year by such agricultural societies, agricultural fair associations, agricultural expositions and the American institute of the city of New York, exclusive of the premiums paid for trials and tests of speed, skill and endurance of man or beast. No such American institute of the city of New York, or such county agricultural society or such town or other agricultural society, or such agricultural fair association or such agricultural exposition, shall receive any more moneys under the provisions of this act, in any one year, than it actually paid out in premiums the next preceding year, exclusive of the premiums paid for trials, or tests of speed, skill or endurance of man or beast, and in no event shall any such American institute of the city of New York, or such county agricultural society, or such town or other agricultural society, or such agricultural fair association, or such agricultural exposition, receive under the provisions of this act, in any one year for premiums hereafter to be paid by any society, association or exposition, any sums of money exceeding four thousand dollars. Any such county agricultural society, town or other agricultural society, or agricultural fair association, or agricultural exposition, organized under the laws of the state of New York, which shall fail or neglect to hold annual fairs, and file their annual reports as provided by this act, with the commissioner of agriculture, as herein provided, for two consecutive years shall forfeit all of their chartered rights, including any privileges or moneys they might thereafter otherwise be entitled to under the provisions of this act. All agricultural

societies, agricultural fair associations, agricultural expositions, or the American institute of the city of New York, entitled to receive any portion of the moneys appropriated by the state must hereafter, on or before the fifteenth day of December, in each year file a statement, duly verified by the president and treasurer, showing the amount of premiums paid at the last annual fair, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast, which statement together with vouchers for moneys paid as premiums shall be filed in the office of the commissioner of agriculture, otherwise such society, fair association, exposition, or the American institute of the city of New York, shall forfeit its right to participate in the distribution of such moneys for premiums paid for such year. Any such agricultural society, agricultural club, agricultural fair association, or agricultural exposition receiving the sum of two thousand dollars under the provisions of section eighty-nine of this act, shall not receive any other portion of the money appropriated for the promotion of agriculture. No other agricultural society now or hereafter organized which is not entitled to receive moneys under the agricultural law as hereby amended, except a county agricultural society, shall be entitled to receive any moneys under the provisions of this act, until it shall have first filed annual reports in the office of the commissioner of agriculture, as hereinbefore provided, and paid in actual cash premiums for agricultural, mechanical and domestic products at least fifteen hundred dollars a year for three successive years, exclusive of the premiums paid for trials, or tests of speed, skill or endurance of man or beast. When any such other agricultural society has filed such annual reports and paid such premiums for three successive years as herein provided, and to the satisfaction of the commissioner of agriculture, then the said commissioner of agriculture may thereafter allow such society to draw moneys under, and by virtue of the provisions of this act. Any agricultural society, agricultural club or agricultural exposition which shall knowingly permit any immoral, lewd, obscene or indecent show or exhibition, use, or knowingly

permit the use of any gambling device, device, instrument or contrivance in the operation of which bets are laid or wagers made, wheel of fortune, or the playing or carrying on of any game of chance, upon the grounds used by it for, or during, an annual meeting, fair or exhibition, shall thereupon forfeit its rights to any moneys it would or might be entitled to receive under the provisions of this act; and it shall be the duty of the president and secretary, or treasurer of every agricultural society, agricultural club, or agricultural exposition entitled to receive money under the provisions of this act, to certify, in their annual report to the commissioner of agriculture executed under oath, on or before the fifteenth day of December, in each year, that at the last annual meeting, fair or exhibition held by or under the direction of such society, club or exposition, it did not knowingly permit any immoral, lewd, obscene or indecent show or exhibition by whatever name known, or use or knowingly permit the use of, any gambling device, device, instrument or contrivance in the operation of which bets were laid or wagers made, any wheel of fortune, or the playing or carrying on of any game of chance, upon the grounds used by it for, or during such last annual meeting, fair or exhibition, which report shall be filed in the office of commissioner of agriculture. If the president and secretary or treasurer of any agricultural society, agricultural club or agricultural exposition, entitled to receive moneys under the provisions of this act, shall neglect or refuse to make and file such certificate, such society, club or exposition shall thereupon be deemed to have forfeited all its rights to any moneys it might otherwise be entitled to receive under this act for such year, but this shall not be construed to prohibit horse racing or tests or trials of skill.

§ 2. This act shall take effect immediately, except that all moneys apportioned and distributed before October first, nineteen hundred and one, to the several agricultural societies, fair associations, agricultural expositions, and the American institute of the city of New York herein mentioned and described for premiums paid in the year nineteen hundred shall be on the

same basis as provided by chapter three hundred and thirty-nine of the laws of nineteen hundred. (*As amended by chapter 144 of the Laws of 1901.*)

§ 88-a. Of all the money appropriated in the regular appropriation bill during any one year by the legislature for distribution among the agricultural societies by the commissioner of agriculture, the said commissioner may distribute to the agricultural societies entitled to partake thereof an amount to each one on or after the first day of October, in the said year, from the moneys due said society not to exceed fifty per centum of the amount of premiums paid by the said society at its annual fair held during said year. Any balance or balances shall be distributed as provided by section eighty-eight of the agricultural law. (*Added by chapter 521 of the Laws of 1902.*)

§ 89. Distribution of money appropriated for certain agricultural societies.—Whenever in any year there shall be appropriated the sum of twenty thousand dollars or more for the benefit of the several agricultural societies, clubs or expositions of the State, two thousand dollars of such amount shall be paid to every such society, club or exposition, which shall have held annual fairs or meetings during each of the three years next preceding such appropriation and which shall have paid at each of such annual fairs or meetings, during such three years, the sum of three thousand dollars as premiums for agricultural interests, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast. Such society, club or exposition shall annually before the first day of December in each year file in the office of the commissioner of agriculture a statement, verified by its president and treasurer, showing the payment of such premiums, with the amount and object thereof, together with the name of the persons to whom they were paid. A similarly verified duplicate of such statement shall be filed in the office of the comptroller. There shall at the same time be filed in the office of the comptroller a written offer to the effect that such society, club or exposition will act as the agent of the State for the distribution

and payment of the money so appropriated as premiums at its annual fair or meeting for the promotion of agricultural interests, together with a bond executed to the people of the State, signed in its name by the president and treasurer thereof, in such amount and with such sureties as the comptroller shall approve, conditioned for the faithful performance of its duties as such agent. Any such society, club or exposition receiving such sum of two thousand dollars as herein provided shall not receive any portion of the moneys collected from racing associations or moneys already appropriated for the benefit of county agricultural societies. (*As amended by chapter 587 of the Laws of 1895.*)

§ 90. **Annual report to the commissioner of agriculture and state society.**—The president and treasurer of any agricultural society which receives any money of the state or acts as the agent of the state in the distribution of money of the state as premiums, shall annually before the fifteenth of December, transmit to the commissioner of agriculture a detailed account of the expenditure or distribution of all such moneys as shall have come into their hands during the preceding year, and of such other moneys as they may have received from voluntary contributions for distribution as premiums, stating to whom, and for what purpose paid, with the vouchers therefor. The presidents of the several county societies and of the American institute shall annually transmit in the month of December, to the executive committee of the New York state agricultural society, all such reports or returns as they are required to demand from applicants, for premiums, together with an abstract of their proceedings during the year which shall be examined by such executive committee, and that they shall condense, arrange and report the same, with a statement of their own proceedings to the legislature on or before the first day of March in each year.

§ 91. (1) No person shall manufacture for sale, keep for sale, or offer or expose for sale, any sugar in imitation or semblance of maple sugar which is not pure maple sugar, nor any syrup in

imitation or semblance of maple syrup, which is not pure maple syrup, nor shall any person manufacture, offer or expose for sale any sugar as and for maple sugar which is not pure maple sugar, nor any syrup as and for maple syrup which is not pure maple syrup.

(2) For the purpose of this act the term "maple sugar" shall be deemed to mean sugar made from pure maple sap or pure maple syrup, and the term "maple syrup" shall be deemed to mean syrup made from pure maple sap. (*As amended by chapter 194 of the Laws of 1898.*)

§ 92. No person shall manufacture, sell or expose for sale, any compound or mixture as and for sugar which shall be made up of maple sugar mixed with any other sugar or any other substance without branding or labeling the said sugar with a statement giving the ingredients of which it is made up. No person shall manufacture, sell, expose for sale, or offer for sale any compound or mixture as syrup which shall be made up of maple syrup mixed with any other syrup or ingredient without branding or labeling said syrup with a statement giving the ingredients of which it is made up. This shall not be construed to apply to a syrup or syrups manufactured and sold for medicinal purposes only. (*Added by chapter 194 of the Laws of 1898.*)

*ARTICLE VII.

LAWS REPEALED.

Section 100. Laws repealed.

101. When to take effect.

Schedule of laws repealed.

§ 100. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 101. When to take effect.—This chapter shall take effect immediately.

*Article VI was made article VII by chapter 500 of the Laws of 1898.

SCHEDULE OF LAWS REPEALED.

REVISED STATUTES.		Sections.
Part 1, chapter 17, title 3.		1-4.
LAWS OF	Chapter.	Sections.
1841.....	169.....	All, except §§ 3 and 6.
1844.....	336.....	All.
1848.....	209.....	All, except §§ 3 and 6.
1869.....	167.....	All.
1878.....	134.....	All.
1879.....	306.....	All.
1880.....	592.....	All.
1881.....	300.....	All.
1882.....	215.....	All.
1882.....	238.....	All.
1882.....	246.....	All.
1883.....	13.....	All.
1884.....	202.....	All.
1884.....	418.....	All.
1884.....	474.....	All.
1885.....	183.....	All, except § 26.
1885.....	283.....	All.
1885.....	127.....	All.
1885.....	458.....	All.
1886.....	280.....	All.
1886.....	577.....	All, except that part of § 6 designated as § 24.
1887.....	155.....	All.
1887.....	223.....	All.
1887.....	403.....	All.
1887.....	430.....	All.
1887.....	475.....	All.
1887.....	562.....	All.
1887.....	583.....	All.
1888.....	286.....	All.
1888.....	298.....	All.
1888.....	520.....	All.
1888.....	550.....	All.
1889.....	24.....	All.
1889.....	148.....	All.
1889.....	515.....	All.
1889.....	538.....	All.
1890.....	8.....	All.
1891.....	140.....	All.
1891.....	354.....	1, 2.
1892.....	501.....	All.
1892.....	707.....	All.

*ARTICLE VIII.

Section 110. State manufacturer and the dealer in original packages to file certificate with commissioner of agriculture.

111. Certificate to be given by commissioner of agriculture to state manufacturer and dealer in original packages.

112. Composition of paris green.

113. Paris green to be analyzed at experiment station.

114. Penalty for violations.

Section 110. State manufacturer and the dealer in original packages to file certificate with commissioner of agriculture.—After the passage of this act it shall be the duty of each and every manufacturer of paris green within this state, and of every dealer in original packages of paris green manufactured outside of this state, before the said paris green is offered or exposed for sale or sold within this state, to submit to the commissioner of agriculture a written or printed statement setting forth: first, the brands of paris green to be sold, the number of pounds contained in each package in which it is put upon the market for sale, the name or names of the manufacturers and the place of manufacturing the same; second, the statement shall set forth the amount of arsenic which the said paris green contains, and the statement so furnished shall be considered as constituting a guarantee to the purchaser that every package of such paris green contains not less than the amount of arsenic set forth in the statement.

§ 111. Certificate to be given by the commissioner of agriculture to state manufacturer and dealer in original packages.—Every purchaser of paris green in original packages, which is manufactured outside of this state, who intends to sell or expose the same for sale, and every manufacturer of paris green within this state shall, after filing the statement above provided for, with the commissioner of agriculture, receive from the said commissioner of agriculture, a certificate stating that he has complied with the foregoing statement, which certificate shall be furnished without any charge therefor; said certificate when fur-

nished shall authorize the party receiving the same to deal in this state in paris green. Any person who fails to file the statement aforesaid shall not be entitled to such certificate and shall not be entitled to deal in paris green within this state; nothing in this section shall be construed as applying to retail dealers.

§ 112. Composition of paris green or analogous products.—Paris green, or any product analogous to it, when sold, offered or exposed for sale, as such, in this state, shall contain at least fifty per centum of arsenious oxide.

§ 113. Paris green to be analyzed at experiment station.—The director of the New York state agricultural experiment station, at Geneva, shall, under the direction of the commissioner of agriculture, examine, or cause to be examined, the different brands of paris green, sold, offered or exposed for sale, within the state, and cause samples of the same to be analyzed, and shall report the result of the analysis forthwith to the commissioner of agriculture.

§ 114. Penalty for violations.—Any person or persons, firm, association, company or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than two hundred dollars; and in addition thereto shall forfeit and pay unto the people of the state of New York the sum of one hundred dollars, together with the costs of the suit in an action caused to be brought by the commissioner of agriculture in the name of the people of the state of New York, as provided by section eight of the agricultural law.

*ARTICLE IX.

SALE AND ANALYSIS OF CONCENTRATED COMMERCIAL FEEDING STUFFS.

Section 120. Term "concentrated commercial feeding stuffs" defined.

121. Statements to be attached to packages; contents; analysis.

122. Statements to be filed with director of agricultural experiment station; to be accompanied by sample.

Section 123. License fee.

124. Analysis to be made by director of experiment station; samples to be taken for analysis.

125. Penalty for violation of article.

126. Sale of adulterated meal or ground grains; penalty.

127. Violation to be reported to the commissioner of agriculture.

§ 120. Term "concentrated commercial feeding stuffs" defined.—

The term "concentrated commercial feeding stuff" as used in this article, shall include linseed meals, cottonseed meals, pea-meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chops, ground beef or fish scraps, mixed feeds, and all other materials of similar nature; but shall not include hays and straw, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, and broom corn. Neither shall it include wheat, rye and buckwheat brans or middlings, not mixed with other substances, but sold separately, as distinct articles of commerce, nor pure grains ground together.

§ 121. Statements to be attached to packages; contents; analysis.—

Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff, used for feeding farm live stock, shall furnish with each car or other amount shipped in bulk and shall affix to every package of such feeding stuff in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trade mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business and a chemical analysis stating the percentages it contains of crude protein, allowing one per centum of nitrogen to equal six and one-fourth per centum of protein, and of crude fat, both constituents to be determined by the methods prescribed by the director of the New York Agricultural Experiment Station. Whenever any feeding stuff

is sold at retail in bulk or in packages belonging to the purchaser, the agent or dealer, upon request of the purchaser shall furnish to him the certified statement named in this section.

§ 122. Statements to be filed with director of agricultural experiment station; to be accompanied by sample.—Before any manufacturer, company or person shall sell, offer or expose for sale in this state any concentrated commercial feeding stuffs, he or they shall for each and every feeding stuff bearing a distinguishing name or trade mark, file annually during the month of December with the director of the New York Agricultural Experiment Station a certified copy of the statement specified in the preceding section, said certified copy to be accompanied, when the director shall so request, by a sealed glass jar or bottle containing at least one pound of the feeding stuff to be sold or offered for sale, and the company or person furnishing said sample shall thereupon make affidavit that said sample corresponds within reasonable limits to the feeding stuff which it represents, in the percentage of protein and fat which it contains.

§ 123. License fee.—Each manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs, shall pay annually during the month of December to the treasurer of the New York Agricultural Experiment Station a license fee of twenty-five dollars for each and every brand sold or offered for sale. Whenever a manufacturer, importer, agent or seller of concentrated commercial feeding stuffs desires at any time to sell such material and has not paid the license fee therefor in the preceding month of December, as required by this section, he shall pay the license fee prescribed herein before making any such sale. The amount of license fees received by such treasurer pursuant to the provisions of this section shall be paid by him to the treasurer of the state of New York. The treasurer of the state of New York shall pay from such amount when duly appropriated the moneys required for the expense incurred in making such inspection required by this section and enforcing the provisions thereof. The board of control of the New York

Agricultural Experiment Station shall report annually to the legislature the amount received pursuant to this article, and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing and other necessary matters. Whenever the manufacturer, importer or shipper of concentrated commercial feeding stuff shall have filed the statement required by section one hundred and twenty-one of this article and paid the license fee as prescribed in this section, no agent or seller of such manufacturer, importer or shipper shall be required to file such statement or pay such fee. (*As amended by chapter 79 of the Laws of 1900.*)

§ 124. Analysis to be made by director of experiment station; samples to be taken for analysis.—The director of the New York experiment station shall annually analyze, or cause to be analyzed, at least one sample to be taken in the manner hereinafter prescribed, of every concentrated commercial feeding stuff sold or offered for sale under the provisions of this act. Said director shall cause a sample to be taken, not exceeding two pounds in weight, for said analysis, from any lot or package of such commercial feeding stuff which may be in the possession of any manufacturer, importer, agent or dealer in this state; but said sample shall be drawn in the presence of the parties in interest, or their representatives and taken from a parcel or a number of packages, which shall not be less than ten per centum of the whole lot sampled, and shall be thoroughly mixed, and then divided into equal samples, and placed in glass vessels, and carefully sealed and a label placed on each, stating the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the person taking the sample, and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled; and the sample or samples retained by the director shall be for comparison with the certified statement named in section one hundred

and twenty-two of this article. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time.

§ 125. **Penalty for violation of article.**—Any manufacturer, importer, or person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff, without complying with the requirements of this article, or any feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, shall, on conviction in a court of competent jurisdiction, be fined not more than one hundred dollars for the first offense, and not more than two hundred dollars for each subsequent offense.

§ 126. **Adulterated meal or ground grain, penalty.**—Any person who shall adulterate any kind of meal or ground grain with milling or manufacturing offals, or any other substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same or in which it is offered for sale; or any person who knowingly sells, or offers for sale any meal or ground grain which has been so adulterated unless the true composition, mixture or adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale, shall be fined not less than twenty-five or more than one hundred dollars for each offense.

§ 127. **Violation to be reported to the commissioner of agriculture.**—Whenever the director becomes cognizant of the violation of any of the provisions of this article, he shall report such violation to the commissioner of agriculture, and said commissioner of agriculture shall prosecute the party or parties thus reported; but it shall be the duty of said commissioner upon thus ascertaining any violation of this article, to forthwith notify the manufacturer, importer or dealer in writing and give him not less than thirty days thereafter in which to comply

with the requirements of this article, but there shall be no prosecution in relation to the quality of any concentrated commercial feeding stuff if the same shall be found substantially equivalent to the certified statement named in section one hundred and twenty-two of this article.

§ 2. This act shall take effect December first, eighteen hundred and ninety-nine.

*ARTICLE X.

STATE FAIR.

Section 140. Property in town of Geddes, Onondaga county, New York.

141. State fair commission.

142. State fair.

143. Superintendent of state fair; assistants and employees.

144. Receipts and disbursements.

145. Expenses of commission.

146. State and local agricultural fairs not to be held at same time.

Premiums for county or town agricultural association exhibits.

Section 140. Property in town of Geddes, Onondaga county.—The conveyance to the state by the New York State Agricultural Society of its property in the town of Geddes, Onondaga county, New York, by deed dated July twenty-eight, eighteen hundred and ninety-nine, and recorded in the office of the comptroller, is hereby accepted, ratified and confirmed. Such property, and any other property hereafter acquired by the state for state fair purposes shall be under the management and control of the state fair commission as hereinafter provided, and it may, from time to time, make rules and provide for the care, preservation and improvement thereof.

§ 141. State fair commission.—The state fair commission shall consist of eleven members, of whom the lieutenant-governor and the commissioner of agriculture shall ex officio constitute two. The remaining nine members of such commission shall be appointed by the governor, one of whom shall be a member of the

New York State Grange, one a member of the New York State Association of County Agricultural Societies, and one a member of the Union Association of Agricultural Societies. Of the nine members first appointed hereunder, three shall hold for a term of one year, three for a term of two years and three for a term of three years. Their successors shall each be appointed for a term of three years. In case of a vacancy in the office of the members appointed from the societies or associations above mentioned, their successors shall be appointed from the same societies or associations.

§ 142. *State fair.*—It shall be the duty of the said commission to hold a state fair at such times as it may deem proper, and between January first and February fifteenth in each calendar year to publish the time of holding said fair in such year. It shall not be lawful for any corporation, association or individual to hold or conduct any trotting or pacing race or races during the week in which the state fair is held except upon half mile tracks, and except at the fairs held by agricultural societies which have received moneys from the state, and no corporation, association or individual holding such races during said week shall be entitled to any of the benefits conferred by chapter five hundred and seventy of the laws of eighteen hundred and ninety-five and any acts amendatory thereof or by any general or special law. Such commission may make, alter, suspend or repeal needed rules relating to such fair, including the times and duration thereof, the terms and conditions of entries and admissions, exhibits, sale of privileges, payment of premiums, and any other matters which it may deem proper in connection with such fair. It shall furnish to each person who on the seventeenth day of January, nineteen hundred was a life member of the state agricultural society, a free admission to the fair ground during the fair of each year during the life of such member.

§ 2. The acts of the state fair commission in fixing the time of holding the state fair for the year nineteen hundred and two, and in publishing such time are hereby legalized, ratified and

confirmed, and shall be of the same force and effect as if such time had been fixed and published during the period between January first and February fifteenth, nineteen hundred and two. (*As amended by chapter 263 of the Laws of 1902.*)

§ 143. **Superintendent of state fairs; assistants and employes.**—The state fair commission may appoint a superintendent of the state fair and such other assistants and employes as they may deem necessary. It may prescribe their duties and fix their compensation. Such superintendent, assistants and employes shall be subject to removal at the pleasure of such commission.

§ 144. **Receipts and disbursements.**—The commission shall receive all moneys payable to the state on account of said fair, and make all disbursements therefrom and also from any appropriation made for that purpose by the legislature as may be needed, from time to time, in carrying on the work of the commission. At the close of each fair, the commission shall pay to the state treasurer any balance remaining in its hands received in connection with the state fair, and at the same time deliver to the comptroller an itemized verified report showing all receipts and disbursements for state fair purposes since the last report.

§ 145. **Expenses of commission.**—The commission shall receive no compensation for their services, but shall be entitled to receive the actual and necessary expenses incurred by them in the performance of their duties, to be paid on the certificate of the commissioner of agriculture and the audit and warrant of the comptroller.

(*Section 146 was repealed by chapter 31 of the Laws of 1902.*)

CHAPTER 821.

AN ACT to amend the executive law, relating to the duties and powers of the attorney-general.

Became a law May 29, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions one and two of section fifty-two of the executive law, is hereby amended to read as follows:

1. Prosecute and defend all actions and proceedings in which the State is interested, and have charge and control of all the legal business of the departments and bureaus of the State, or of any office thereof which requires the services of attorney or counsel, in order to protect the interests of the State, but this section shall not apply to any of the military department bureaus or military offices of the State.

2. Whenever required by the governor, attend in person, or by one of his deputies, a court of oyer and terminer or appear before the grand jury thereof for the purpose of managing and conducting in such court or before such jury such criminal actions or proceedings as shall be specified in such requirement; in which case the attorney-general or his deputy so attending shall exercise all the powers and perform all the duties in respect of such actions or proceedings, which the district attorney would otherwise be authorized or required to exercise or perform; and in any of such actions or proceedings the district attorney shall only exercise such powers and perform such duties as are required of him by the attorney-general or the deputy attorney-general so attending.

§ 2. Section 55 of said executive law is hereby amended to read as follows:

§ 55. Additional counsel.—The governor, or attorney-general may designate and employ such additional attorneys or counsel as may be necessary to assist in the transaction of any of the legal business mentioned in section fifty-two of this act and such attor-

neys or counsel shall be paid from the treasury a reasonable fee upon the certificate of the governor and attorney-general, the amount thereof to be audited and allowed by them or may be paid by the attorney-general out of the costs recovered by him.

§ 3. This act shall take effect immediately.

People v. Belknap, 58 Hun, 241.

People v. Lamb, 85 Id. 171.

CHAPTER 412.

AN ACT to prevent the adulteration of and deception in the sale of linseed or flaxseed oil.

Became a law April 22, 1898, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No person, firm or corporation shall manufacture or mix for sale, sell, or offer for sale, under the name of raw linseed oil, any article which is not wholly the product of commercially pure linseed or flaxseed. Nor shall any person, firm or corporation manufacture or mix for sale, sell, or offer for sale, under the name of boiled linseed oil, any article, unless the oil from which said article is made be wholly the product of commercially pure linseed or flaxseed, and unless the same has been heated to at least two hundred and twenty-five degrees Fahrenheit.

2. Nothing in this act shall be construed as prohibiting the sale or manufacture of any compound of linseed or flaxseed oil; provided, that such compound, if it imitates in appearance and is designed to take the place of linseed or flaxseed oil, shall not be manufactured or mixed for sale, sold or offered for sale, under a name or description containing the words "linseed oil" or "flaxseed oil."

3. Any person, firm or corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, for each and every such violation, with a fine of not less than fifty dollars nor more than five hundred dollars; and in default of the payment of such fine shall be committed to the county jail for a period of not less than thirty days.

4. It shall be the duty of the commissioner of agriculture to enforce the provisions of this act. The said commissioner and his assistants, experts and chemists, and others appointed by him, shall have access, ingress and egress to and from all places of business and buildings where linseed or flaxseed oil is kept for sale or stored. They shall also have the power and authority to open any tank, barrel, can or other vessel containing such oil, and may inspect the contents thereof, and take samples therefrom for analysis.

5. Any person, firm or corporation who shall violate any of the provisions of this act shall, in addition to the fines herein previously described, for each offense forfeit and pay a fixed penalty of one hundred dollars. Such penalty shall be recovered, with costs, in any court of the state having jurisdiction thereof, in an action to be prosecuted in the name of the people, by the commissioner of agriculture, or any of his assistants, and shall be devoted to the payment of the expenses of the department of said commissioner. In any action commenced in the supreme court for the recovery of such penalties, an application may be made on the part of the plaintiff to said court or any justice thereof for an injunction to restrain the defendant, his agents, servants and employes, from the further violation of this act during the pendency of the action, and it shall be the duty of such court or justice to grant the injunction, in the same manner as injunctions are usually granted under the rules and practice of such court, upon proof by affidavits that the defendant has been guilty of such violation, either before or after the commencement of the action. In case the plaintiff shall recover judgment for the penalty or penalties demanded in the complaint, the judgment

shall contain a permanent injunction, restraining the defendant, his agents, servants and employes, from any further violation of the section or sections on which the recovery is obtained.

6. This act shall take effect immediately.

CHAPTER 337.

AN ACT to amend the domestic commerce law, in relation to the size of apple, pear, quince and potato barrels.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter three hundred and seventy-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to domestic commerce law, constituting chapter thirty-four of the general laws," as amended by chapter three hundred and seventeen of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 9. Barrels of apples, quinces, pears and potatoes.—A barrel of pears, quinces or potatoes shall represent a quantity equal to one hundred quarts of grain or dry measure. A barrel of apples shall be of the following dimensions: head diameter, seventeen and one-eighth inches; length of stave, twenty-eight and one-half inches; bulge, not less than sixty-four inches outside measurement, to be known as the standard apple barrel. Or where the barrel shall be made straight or without a bulge it shall contain the same number of cubic inches as the standard apple barrel. Every person buying or selling apples, pears, quinces or potatoes in this state by the barrel, shall be understood as referring to the quantity or size of the barrel, specified in this section, but when potatoes are sold by weight, the quantity constituting a barrel shall be one hundred and

seventy-four pounds. No person shall make, or cause to be made, barrels holding less than the quantity herein specified, knowing or having reason to believe that the same are to be used for the sale of apples, quinces, pears or potatoes, unless such barrel is plainly marked on the outside thereof with the words "short barrel" in letters of not less than one inch in height. No person in this state shall use barrels hereafter made for the sale of such articles of a size less than the size specified in this section. Every person violating any provision of this section shall forfeit to the people of this state a sum of five dollars for every barrel put up or made or used in violation of such provision.

§ 2. This act shall take effect immediately.

CHAPTER 582.

AN ACT to amend the membership corporations law, relative to agricultural corporations and agricultural societies.

Became a law, April 14, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An act in relation to membership corporations, constituting chapter forty-three of the general laws," is hereby amended to read as follows:

§ 140. Certificate of incorporation.—Ten or more persons may form a county or town agricultural corporation for promoting agriculture, horticulture and the mechanic arts, by making, acknowledging and filing a certificate, stating the particular objects for which the corporation is to be created; the territory in which its operations are to be conducted; the town, village or city in which its principal office is to be located; the

number of its directors, not less than six or more than twelve; the names of the persons to be its directors until its first annual meeting; and the times for holding its annual meetings. Such certificate shall not be filed without the approval, indorsed thereupon or annexed thereto, of a justice of the supreme court. On filing such certificate, in pursuance of law, the signers thereof, their associates and successors, shall be a corporation in accordance with the provisions of such certificate. Any such agricultural corporation, or any other agricultural society organized under the laws of this state shall have the right to buy or lease any lands or real estate necessary or needed for its purposes. In case any agricultural corporation or any other agricultural society which has received moneys from the state, for premiums paid for improving the breed of cattle, sheep and horses, or has acted as agent for the state in disbursing moneys for such purpose cannot purchase or acquire such lands or real estate upon satisfactory terms, then such agricultural corporation, or agricultural society may acquire such lands or other real estate necessary for its purposes by condemnation in pursuance of the condemnation law. Any lands or real estate acquired by any agricultural corporation, or agricultural society by condemnation proceedings, or otherwise, shall not be subject to condemnation proceedings instituted by any other agricultural society or any other corporation.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CODE OF CRIMINAL PROCEDURE.

§ 56. Jurisdiction of courts.—Subject to the power of removal provided for in this chapter, courts of special sessions, except in the city and county of New York and the city of Albany, have in the first instance exclusive jurisdiction to hear and determine

charges of misdemeanors committed within their respective counties, as follows:

* * * * *

35. All violations of the provisions of the agricultural law.

* * * * *

(*As amended by chapter 570 of the Laws of 1893.*)

PENAL CODE.

§ 408a. Violations of the agricultural law.—Any person who disregards, disobeys or violates any proclamation, notice, order or regulation, lawfully issued or prescribed by the commissioner of agriculture, for the suppression or prevention of the spread of infectious or contagious diseases among domestic animals, or who violates any of the provisions of sections eighty and eighty-two of article five of the agricultural law, is guilty of a misdemeanor. (*As amended by chapter 554 of the Laws of 1897.*)

CODE OF CIVIL PROCEDURE.

Subdivision 3 of section 3228 of the Code of Civil Procedure.

3. An action specified in subdivision first, third, fourth or fifth of section twenty-eight hundred and sixty-three of this act. But if, in an action to recover damages for an assault, battery, false imprisonment, libel, slander, criminal conversation, seduction, or malicious prosecution; or a fine or penalty in which the people of the state are a party, the plaintiff recovers less than fifty dollars damages, the amount of his cost can not exceed the damages.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight. (*As amended by chapter 110 of the Laws of 1898.*)

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